



A
DISCOVERIE
OF THE TRVE CAV-

ses why IRELAND was neuer entire-
ly Subdued, nor brought vnder Obedience of
the Crowne of ENGLAND, vntill the
Beginning of his Maiesties bap-
pie Raigne.



Printed for Iohn Iaggard, dwelling within Temple
Bar, at the Signe of the Hand and Star.

I 6 I 2.



DISCOVERIE

OF THE TRAVELL

of Sir Thomas Digges, Knight,
into the West-Indies, and
the discovery of the
Islands of the same.



Printed for Iohn Iaggard, dwelling within Temple
Bar, against the Church of St. Dunstons.

1615.



Dedicated

TO
THE KING,

By his MAJESTIES
Attorney Generall,
of IRELAND.

PRINCIPIS EST VIRTUS MAXIMA,
NOSSE SVOS.

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A Discouery of the true
*causes, why IRELAND was ne-
 uer entirely subdued, and brought
 vnder Obedience of the Crowne
 of ENGLAND, untill the begin-
 ning of his MAIESTIES hap-
 py raigne.*



Vring the time of my
Seruice in IRELAND
 (which began in the
 first yeare of his Ma-
 iesties raigne) I haue
 visited all the Prouin-
 ces of that Kingdome,
 in sundry iournies and circuits. Wherein
 I haue obserued the good *Temperature* of
 the *Ayre*; the *Fruitfulnesse* of the *Soyle*;
 the pleasant and commodious *seats* for *ha-
 bitation*; the safe and large *Ports* and *Ha-
 uens*

uens lying open for Trafficke, into all the West parts of the world; the long *Inlets* of many Nauigable Riuers, and so many great *Lakes*, and fresh Ponds within the Land; (as the like are not to be setne in any part of *Europe*) the rich *Fishings*, and Wilde-Fowle of all kinds; and lastly, the *Bodies* and *Minds* of the people, endued with extraordinarie abilities of Nature.

THe obseruation whereof, hath bred in me some curiositie, to consider, what were the true causes, why *this Kingdome*, whereof our Kings of *England* haue borne the Title of *Soueraign Lords* for the space of foure hundred and odde yeares (a period of time wherein diuers great Monarchies haue risen from Barbarisme to Ciuillitie, and fallen againe to ruine) was not in all that space of time, thoroughly subdued and reduced to Obedience of the Crowne of *England*, although there hath

hath been almost a continuall warre
between the *English* and the *Irish*; and
why the matters of the meere *Irish* are
so little altered since the dayes of King
Henry the second, as appeareth by the
description made by *Gwalter Cambren-*
sis, who lived and wrote in that time)
albeit, there have bin since that time,
so many *English* Colonies planted in *Ire-*
land, as that, if the people were num-
bered at this day by the Poll, such as
are descended of *English* race, would
bee found more in number, then the
ancient Natiues.

AND truly, vpon consideration of
the conduct and passage of affaires
in former times, I find, that the *State* of
England ought to be cleared of an im-
putatio, which a vulgar error hath cast
vpon it, in one point; namely, That *Ire-*
land long since might haue bene subdued and
reduced to Ciuility, if some Statesmen in po-
lley, had not thought it more fit to continue that

Realme in Barbarisme. Doubtlesse, this vulgar Opinion (or report) hath no true ground, but did first arise either out of Ignorance, or out of Malice. For it will app^{ear}e by that which shal heereafter belaide downe in this Discourse, that euer since *Our Nation* had any footing in this Land, the State of *England* did earnestly desire, and did accordingly endeouour from time to time, to perfect the Conquest of this kingdom, but that in euery age there were found such impediments & defects in both Realmes, as caused almost an impossibility, that thinges should haue bin otherwise then they were.

Two maine
impediments
of the conquest.

THe Defects which hindred the *Perfection* of the Conquest of *Ireland*, were of two kinds, and consisted; first, in the faint prosecution of the warre, and next, in the loosenesse of the ciuill *Gouernment*. For, the husbandman must first breake

5
breake the Land, before it bee made
capeable of good seede: and when it
is thoroughly broken and manured,
if he do not forthwith cast good seed
into it, it will grow wilde againe, and
beare nothing but Weeds. So a bar-
barous Country must be first broken
by a warre, before it will be capeable
of good Governement; and when it is
fully subdued and conquered; if it bee
not well planted and governed after
the Conquest, it wil est-soones return
to the former Barbarisme.

Touching the carriage of the *Mor-
tiall affaires*, from the seuenteenth
yeare of King *Henry* the second, when
the first ouerture was made for the
Conquest of *Ireland* (I meane the first
after the Norman Conquest of *Eng-
land*) vntill the nine and thirtith yeare
of Queene *ELIZABETH*, when that
Royall army was sent ouer to sup-
presse *Tirones* Rebellion, which made

The faint pro-
secution of
the warre.

in the end an vniversall and absolute conquest of all the *Irish*: it is most certaine, that the English forces sent *hither*, or raised heere from time to time, were euer too weake to subdue and master so many warlike Nations (or Septs) of the Irish, as did possesse this Island; and besides their weaknesse, they were *ill paid*, and *worse Governed*. And if at any time there came ouer an army of competent strength and power, it did rather terrifie, then breake and subdue this people, being euer *broken* and *dissolued* by some one accident or other, before the perfection of the Conquest.

What is a
perfect Con-
quest.

FOR, that I call a *Perfect Conquest* of a Country, which doth reduce all the people thereof to the Condition of *Subjects*; and those I call *Subjects*, which are governed by the ordinary Lawes and Magistrates of the *Soueraigne*. For, though the Prince doth beare the Title of *Soueraign Lord* of an entire coun-

try (as our Kings did of all *Ireland*) yet if there bee two third parts of that Countrey wherein he cannot punish Treasons, Murders, or Thefts, vnlesse he send an Army to do it; if the Iurisdiction of his ordinary Courts of Iustice doth not extend into those parts to protect the people from wrong & oppression; if hee haue no certaine Reuennue, no Escheats or Forfeitures out of the same, I cannot iustly say, that such a Countrey is wholly conquered.

First then, that wee may iudge and discern whether the *English* forces in *Ireland* were at any time of sufficient strength, to make a full and finall Conquest of that Land, let vs see what extraordinary armies haue bin transmitted out of *England* thither, and what ordinarie forces haue beene maintained there, and what seruice they haue performed from time to

How the war
hath bin pro-
secuted since
the 17. yeare
of Henry the
second.

time, since the seauenteenth yeare of King *Henry* the second.

In the time of
Henry the se-
cond.

IN that yeare, *Mac Murugh* Lord of *Leinster*, beeing oppressed by the Lords of *Meib* and *Conaght*, and expelled out of his Territorie, mooued King *Henry* the second to inuade *Ireland*, and made an ouerture vnto him for the obtaining of the Soueraigne Lordship thereof. The King refused to vndertake the Warre himselfe, to auoide the charge (as King *Henrie* the seuenth refused to vndertake the discovery of the *Indies* for the same cause) but he gaue license by his Letters Patents, that such of his Subiects might passe ouer into *Ireland*, as wold at their owne charge become aduenturers in that enterprize.

Giraldus Cambrensis.

The first attempt but an aduventure of priuate Gentlemen.

SO as the first attempt to conquer this Kingdome, was but an aduventure of a few priuate Gentlemen. *Fitz-Stephen*, & *Fitz-Girald*

Girald, first brake the yce, with a party of three hundred ninety men. The Earle Strongbow followed them with twelue hundreded more, whose good successe vpon the Sea-coasts of Leinster and Mounster, drew ouer the King in person the next year after, *cum quingentis Militibus*, as Giraldus Cambrensis reporteth, who was present in Ireland at that time. Which if they were but five hundreded souldiers, seemeth too smal a traine for so great a Prince. But admit they wer five hundred knights, yet because in those dayes euery Knight was not a Commaunder of a Regiment or Company, but most of them serued as priuate men, (sometimes a hundreded Knightes vnder a Speare) as appeareth by the Lists of the ancient armies, we cannot coniecture his army to haue beene so great, as might suffice to conquer all Ireland, being diuided into so many Principalities, and hauing so manie *Hydraes* heads,

With what
forces the K.
himselfe came
ouer.

*Archib. Remem.
R. 11. apud
Wexm.*

heads, as it had at that time.

For albeit, *Tacitus* in the life of *Agricola* doth report, that *Agricola* hauing subdued the greatest part of Great Britaine, did signifie to the Senat of Rome, that he thought *Ireland* might also be conquered with one Legion, and a few ayds: I make no doubt, but that if he had attempted the conquest thereof with a farre greater army, he would haue found himselfe deceiued in his coniecture. For, a Barbarous Country

“ is not so easily conquered, as a Ciuill,

“ whereof *Cæsar* had experience in his

“ warres against the *Gaules*, *Germanes*,

“ and *Britaines*, who were subdued to

“ the Roman Empire, with farre greater difficulty, then the rich kingdoms

“ of *Asia*. And againe, a Countrey possessed with many pettie Lordes and

“ States, is not so soone brought vnder

“ entirely, as an entire Kingdome Governed by one Prince or Monarch.

“ And therefore, the late King of *Spain* could

could sooner win the Kingdome of
Portugall, then reduce the States of
the Low-Countries.

BVt let vs see the successe of King
Henric the second, doubtlesse his
expedition was such, as he might haue
said with Caesar: *veni, vidi, vici*. For,
vpon his first arriual, his very *Presence*
without drawing his sword, preuailed
so much, as al the *Petty-Kings*, or *Great*
Lords within *Leinster*, *Conaght*, and
Mounster, submitted themselues vnto
him, promised to pay him tribute, &
acknowledged him their chiefe and
Soueraigne Lord. Besides, the better
to assure this inconstant Sea-Nymph
(who was so easily wonne) the Pope
would needs giue her vnto him with
a Ring; *Coniugio iungam stabili, propriam-*
que dicabo. But as the Conquest was but
slight and superficiall, so the Popes *Do-*
nation, and the *Irish Submissions*, were but
weake and sickle assurances. For, as the

What manner
of Conquest
King Henric
the second
made of Ire-
land.

Pope had no more interest in this
 kingdome, then *He* which offered to
 Christ all the kingdomes of the earth;
 so the Irish pretend, *That by their Law,*
a Tanist might do no Act that might bind his
successor. But this was the best assurance
 hee could get from so many strong
 Nations of people, with so weake a
 power: and yet he was so well pleased
 with this title of the Lordship of Ireland,
 as he placed it in his *Royall Stile*, before
 the Dutchie of *Normandy & Aquitaine.*
 And so, being aduertised of some stirs
 raised by his vnnatural sonnes in *Eng-*
land, within five months after his first
 arriuall, hee departed out of *Ireland*,
 without striking one blow, or build-
 ing one Castle, or planting one Gar-
 rison among the Irish, neither left he
 behinde him one true subiect more
 then those he found there at his com-
 ming ouer, which were onely the
English Adventurers spoken of before,
 who had gained the Port Townes in
Leinster

Leinster and *Mounster*, and possessed some scopes of land thereunto adioyning, partly by *Strongbowes* alliaunce with the Lord of *Leinster*, and partly, by plaine inuasion and Conquest.

And this is that Conquest of King *Henry* the second, so much spoken of, by so many Writers, which though it were in no other manner then is before expressed, yet is the entire Conquest of all *Ireland*, attributed vnto him.

But the troth is, the conquest of *Ireland* was made peece and peece, by slow steppes and degrees, and by seuerall attempts, in seuerall ages. There were sundry reuolutions, as well of the English fortunes, as of the Irish; some-whiles one preuailing, some-whiles the other, and it was neuer brought to a full period, till his Maiesty that now is, came to the Crowne.

As for King *Henry* the second, hee was farre from obtaining that Monar-

chy Royall, and true Soueraignetie which his Maieſty (who nowe raig-
eth) hath ouer the Iriſh. For the Iriſh
Lords did onely promiſe to become
Tributarieſ to King *Henry* the ſecond.
And ſuch as pay onely *Tribute*, though
they bee placed by *Bodin*, in the firſt
degree of *Subiection*, are not properlie
Subiects but *Soueraignes*. For, though
they bee leſſe and inferiour vnto the
Prince to whom they pay *Tribute*, yet
they hold all other pointes of Soue-
raignty; and hauing paide their Tri-
bute which they promiſed, to haue
their peace, they are quit of all other
duties, as the ſame *Bodin* writeth. And
therefore, though King *Henry* the ſe-
cond had the title of *Soueraigne Lorde*
ouer the Iriſh, yet did he not put thoſe
thinges in execution, which are the
true markes and differences of *Soue-
raignty*.

*Bodin de Re-
pub.*

The true
markes of
Soueraignty.

For, to giue Lawes vnto a people, to
inſtitute

institute Magistrats and Officers ouer them; to punish and pardon Malefactours; to haue the sole authority of making warre and peace, and the like; are the true markes of Soueraignetie; which King *Henry* the second had not in the Irish Countreys, but the Irish Lords did still retaine all these prerogatiues to themselues.

For they gouerned their people by the *Brehon Law*; they made their owne Magistrates and Officers; they pardoned and punnished all Malefactours within their seuerall Countreys; they made warre and peace one with another, without controulment, and this they did not onely during the raigne of King *Henry* the second, but afterwards in all times, euen vntill the Raigne of Queen *Elizabeth*. And it appeareth what maner of subiects these Irish Lords were, by the Concorde made betweene K. *Henric* the second, and *Rodericke ô Connor* the Irish King

Houeden in
Henrico secun-
do. fol. 312.

of Conaght, in the yeare 1175. which is recorded by Houeden in this forme: *Hic est finis & Concordia, inter Dominū regem Angliæ Henricū, filiū Imperatricis, & Rodoricum Regem Conactæ, scilicet, quod Rex &c. Angliæ concessit prædict' Rodrico Ligeo homini suo, vt sit Rex sub eo paratus ad seruitium suum, vt homo suus, &c.* And the Commission, whereby King Henry the second made William Fitz-Adelme his Lieutenant of Ireland, hath this direction; *Archiepiscopis, Episcopis, Regibus, Comitibus, Baronibus, & omnibus fidelibus suis in Hibernia, Salutem.* Whereby it is manifest, that hee gaue those Irish Lords the Title and stile of Kinges.

6. Iohannis
Claus. membra-
na. 18.
17. Iohannis
Chart. m. 3.

King Iohn likewise did grant diuers Charters to the King of Conaght, which remaine in the Tower of London. And afterwards in the time of King Henrie the third, wee finde in the Tower, a graunt made to the King of Thomond, in these words. *Rex Regi Tosmond salutem. Concessimus vobis terram Tosmond*

6. Hen. 3. chart.
m. 2.

quam

quam prius tenuistis, per firmam centum & triginta marcarum; Tenendum de nobis vsq; ad etatem nostram; And in the pipe Rols remaining in Bremighams Tower, in the Castle of Dublin, vpon sundrie Accompts of the Seneshal of VVlster (when that Earledome was in the Kings handes, by reason of the minority of the Earle) the entry of all such charges as were made vpon Oneale, for Rent-Beeues, or for aids towards the maintenance of the Kinges warres, are in this forme. *Oneal Regulus 400. vaccas pro areragio Reddit; Oneal Regulus, 100 li. de Auxilio Domini Regis ad guerram suam in wasconia sustinendam.* And in one Rol the 36. of Henry the third, *Oneale Rex, 100 li. de auxilio domini Regis ad guerram suam in VVallia sustinendam.* Which seemed strange to me, that the Kings ciuill Officer should giue him that stile vpon Record, vnlesse he meant it in that sense as *Maximilian* the Emperour did, when speaking of his disobedient

Archib. in Ca-
stro Dublin.

42. Hen. 3.
Comptus 1181.
de la Zouch.

36. Hen. 3.
comptus Hu-
berti de Raulx.

“ ent Subiects ; The Title (saide he) of
 “ Rex Regum, doth more properly be-
 “ long to mee, then to any mortall
 “ Prince, for all my subiects do liue as
 “ Kings, they obey me in nothing, but
 “ do what they list. And truely, in that
 sence these Irish Lords might not vn-
 fitly be tearmed Kings. But to speake
 in proper termes, wee must say with
 the Latine Poet, *Qui rex est, Regem,
 Maxime non habeat.* But touching these
 Irish Kings, I will adde this note out
 of an ancient Manuscript, the blacke
 Booke of Christ-Church in Dublin. *Isti
 Reges non fuerunt ordinati solemnitate ali-
 cuius ordinis, nec vnctionis Sacramento, nec
 iure hereditario, vel aliqua proprietatis suc-
 cessione, sed vi & armis quilibet Regnē suum
 obtinuit :* and therefore, they had no
 iust cause to complaine, when a stron-
 ger King then themselues, became a
 King and Lord ouer them. But let vs
 returne to our purpose, and see the
 proceeding of the Martiall affaires.

King

King Henry the second, being returned into England, gaue the Lordship of Ireland vnto the Lord Iohn his youngest sonne, sur-named before that time, *Sans Terre*. And the Pope confirming that gift, sent him a Crowne of Pea-cockes feathers (as Pope Clement the eight, sent the Feather of a *Phoenix* (as he called it) to the Traitor *Tirone*.) This young Prince the Kings sonne, being but twelue years of age, with a traine of yong Noblemen and Gentlemen, to the number of 300. but not with any maine army, came ouer to take possession of his new Patrimony, and being arriued at *Waterford*, diuers Irish Lords (who had submitted themselues to his father) came to performe the like duty to him. But that youthfull company vsing them with scorne, because their demeanors were but rude and barbarous, they went away much discontented, and raised a generall rebellion against him.

How the war was prosecuted in the time of King Iohn.

Giraldus Cambrensis.

Giraldus Cambrensis.

D

him.

him. Whereby it was made manifest, that the *Submission of the Irish Lords, and the Donation of the Pope, were but slender and weake assurances for a kingdome.*

Heereupon this young Lord was reuoked, and Sir Iohn de Courcy sent ouer, not with the kings armie, but with a company of *Voluntaries*, in number foure hundreded, or thereabout. With these he attempted the conquest of *Ulster*, and in foure or fiue encounters, did so beate the Irishry of that Prouince, as that he gained the *Mari-time Coasts* thereof, from the *Boyne* to the *Bann*; and thereupon, was made Earle of *Ulster*. So as now the English had gotten good footing in all the Prouinces of *Ireland*. In the first three Prouinces of *Leinster*, *Mounster*, and *Conaght*, part by the sword, and part by submission and alliance. And lastly, in *Ulster*, by the inuasion and victories of Sir Iohn de Courcy.

From this time forward, yntill the feuen-

Giraldus Cambrensis.

seuenteenth year of King *Iohn* (which was a space of more then 30. yeares) there was no army transmitted out of England, to finish the Conquest. howbeit in the meane time, the English Aduenturers and Colonies alreadie planted in *Ireland*, did winne much ground vpon the Irish; Namely, the Earle *Strongbow*, hauing married the Daughter of *Mac Murrogh*, in *Leinster*; the *Lacies* in *Meth*, the *Giraldines*, and other Aduenturers in *Mounster*, the *Audeleyes*, *Gernons*, *Clintons*, *Russels*, and other Voluntaries of Sir *Iohn de Courcies* retinue, in *Ulster*; and the *Bourkes* (planted by *william Fitz-Adelme*) in *Conaght*. Yet were the English reputed but Part-Owners of *Ireland* at this time, as appeareth by the Commission of the Popes Legate in the time of King *Richard* the first, whereby he had power to exercise his Iurisdiction, in *Anglia, wallia, ac illis Hiberniæ partibus, in quibus Iohannes Moretonij Comes pote-*

*Matth. Paris
in Richardo
primo fo. 1519.*

statem habet et dominium, as it is recorded by *Mat. Paris.*

King *Iohn*, in the twelfth year of his raigne, came ouer again into Ireland: the Stories of that time say, With a great army, but the certaine numbers are not recorded: yet it is credible, in regard of the troubles where-with this King was distressed in England, that this army was not of sufficient strength to make an entire Conquest of Ireland; and if it had bin of sufficient strength, yet did not the King stay a sufficient time to performe so great an action, for he came ouer in Iune, & returned in Septem. the same yeare. Howbeit in that time, the Irish Lords for the most part, submitted theselues to him, as they had done before to his Father: which was but a meere mockery & imposture. For his backe was no sooner turned, but they returned to their former rebellion: & yet this was reputed a *second Conquest*. And so
this

Matth. Paris.

this King giuing order for the building of some Castles vpon the Borders of the English Colonies, left behinde him the *Bishop of Norwich*, for the ciuill gouernment of the Lande; but he left no standing army to prosecute the conquest: onely the English Colonies which were already planted, were left to themselves to maintaine what they had got, and to gaine more if they could.

The personall presence of these two great Princes, King *Henry* the second, and King *Iohn*, though they performed no great thing with their armies, gaue such countenance to the English Colonies, which encreased dayly by the comming ouer of new voluntaries and aduenturers out of England, as that, they enlarged their Territories verie much. Howbeit after this time the kings of England, either because they presumed that the English Colonies were

strong enough to roote out the Irish by degrees, or else because they were diuerted or disabled otherwise (as shall bee declared heereafter) neuer sent ouer any Royall armie, or anie numbers of men worthy to be called an army into Ireland, vntill the thirty six yeare of king Edward the thirde, when *Lionell Duke of Clarence*, the kings second sonne, hauing married the daughter and heyre of *Flster*, was sent ouer with an extraordinary power in respect of the time: (for the warres betwixt *England* and *Fraunce*, were then in their heate) aswell to recouer his Earledome of *Flster*, which was then ouer-run & posselt by the Irish, as to reforme the English Colonies, which were become strangely degenerate throughout the whole kingdome.

For though king *Henry* the thirde, gaue the whole Land of *Ireland* to *Edward* the Prince, his eldest son, and his

his heyres, *Ita quod non Separetur a Co-
na Anglie*. Whereupon it was styled
the Land of the Lorde Edward; the
kings eldest sonne: and all the Offi-
cers of the Land, were called the Of-
ficers of Edward Lord of IRELAND;
and though this Edward were one of
the most actiue Princes that euer li-
ued in England; yet did he not either
in the life time of his father, or during
his own raig, come ouer in person,
or transmit any armie into Ireland,
but on the other side, he drew sundry
ayds & supplies of men out of Ireland,
to serue him in his warres in Scotland;
wales, and Galescoigne. And again, though
king Edw: the second sent ouer *Piers
Ganeston* with a great retinue, it was
neuer inteded he should perfect the
Conquest of Ireland; for the K: could
not want his company so long a time,
as must haue beene spent in the fini-
shing of so tedious a worke.

So then, in all that space of time,
betweene

This Charter
yet remai-
neth perfect,
with an en-
tire Seale in
the Treasury
at Westmin-
ster.

*Archib. in Ca-
stro Dublin.*

*& Archib.
Turr. 52. Hen.
3. patent. m. 9.*

How the martiall
affayres
were caried
from the 13.
yeare of king
Iohn, to the 36
yeare of King
Edward the 3.

betweene the twelfth yeare of king Iohn, and the 36. yeare of king Edward the third, containing 150. years, or thereabouts, although there were a continuall bordering war between the English and the Irish, there came no royall army out of England, to make an end of the warre. But the chiefe Gouvernors of the realme, who were at first called *Custodes Hibernia*; and afterwards *Lords Iustices*, and the English Lordes, who had gotten so great possessions and Royalties, as that they presumed to make warre and peace without direction from the State, did leaue all their forces within the land. But those forces were weakly supplied, and ill Governed, as I said before. Weakly supplied with men and Money; and governed with the worst Discipline that ever was seene among men of warre. And no maruell, for it is an infallible rule, that an army ill payde, is ever unruly, and ill governed. The standing forces heere, were sildome

dome, or neuer re-enforced out of
England, and such as were either sent
 from thence, or raised heer, did com-
 monly do more hurt and damage to
 the *English* Subiects, then to the Irish
 enemies, by their continuall *Sesse* and
Extortion. Which mischief did arise,
 by reason that little or no Treasure
 was sent out of *England*, to pay the sol-
 diers wages: Onely the Kings reuen-
 new in Ireland was spent, and wholly
 spent in the publicke seruice; and
 therefore, in al the ancient Pipe-Rols
 in the times of *Henry* the third, *Edward*
 the first, *Edward* the second, & *Edward*
 the third, betweene the Receipts and
 allowances, there is this entrie; *In*
Tresauro nihil. For the Officers of the
 State and the Army, spent all; so, as
 there was no surpluse of Treasure;
 and yet that *All* was not sufficient. For
 in default of the Kings pay, as well the
 ordinary forces which stood conti-
 nually, as the extraordinarie, which

E were

*Archia, in Castle
 Dublin.*

were leuied by the cheefe Gouvernor, vpon iourneyes, and generall hoastings, were for the most part laid vpon the poore subiect descended of English race; howbeit this burden was in some measure tolerable in the time of King Henry the third, and King Edward the first; but in the time of King Edward the second, Maurice Fitz-Thomas of Desmond, beeing chiefe Commander of the army against the Scots, began that wicked extortion of Coigne and Livery, and pay, that is; He & his army tooke Horse-meate and Man-meate, and money, at their pleasure, without any Ticket, or other satisfaction. And this was after that time, the generall fault of all the Gouvernours and Commanders of the army in this Lande. Onely the Golden saying of Sir Thomas Rookesby, who was Iustice in the thirtieth yeare of king Edward the 3 is recorded in all the Annalles of this kingdome; That he would eate in woden

Statut. 10. H.
7. cap. 4. Rot.
Parliam. in Ca-
stro Dublin.

Annales Hiber-
niae in Camden.

wooden dishes, but would pay for his Meat,
Gold & Silver. Besides, the English Co-
lonies being dispersed in euerie Pro-
uince of this kingdome, were enfor-
ced to keepe continuall guards vpon
the Borders & Marches round about
them; which Guardes, consisting of
idle souldiers, were likewise imposed
as a continuall burthen vpon the
poore English Free-holders, whome
they oppressed and impouerished in
thesame manner. And because the
great English Lords & Captaines had
power to impose this charge, when
and where they pleased, manie of the
poore Freeholders, were glad to giue
vnto those Lords, a great part of their
Lands, to hold the rest free from that
extortion: And many others, not be-
ing able to endure that intollerable
oppression, did vtterly quit their free-
holds, and returned into England. By
this meane, the English Colonies
grew poore and weake, though the

*Baron Finglas,
Manus.
Stat. 10. H. 7.
cap. 4. Rot. Par-
liam in Castro
Dublin.*

english Lords grew rich and mighty: for they placed Irish Tenants vpon the Landes relinquished by the English; vpon them they leuied all Irish exactions; with them they married, and fostered, and made Gossips: so as within one age, the English, both Lords and Free-holders, became degenerate and meer Irish in their Language, in their apparrell, in their armes and maner of fight, & all other Customes of life whatloeuier.

Statut. 12. H.
4. cap. 6.
Boron Finglas.
M. S.

By this it appeareth, why the extortion of Coigne and Litvory, is called in the old Statutes of Ireland, A Damnable custome, and the imposing & taking thereof, made High Treason. And it is saide in an ancient discourse Of the Decay of Ireland, that though it were first inuented in Hell, yet if it had been vsed and practised there, as it hath been in Ireland, it had long since destroyed the very kingdome of Belzebub. In

this manner was the warre of Ireland
carried, before the coming ouer of
Lionel Duke of Clarence.

This young Prince, being Earle of
Ulster, and Lord of *Conaught*, in right of
his wife (who was daughter and heire
of the Lord *William Burke*, the last
Earle of *Ulster* of that family, slaine by
treachery at *Knockfergus*) was made
the Kings Lieutenant of Ireland, and
sent ouer with an army, in the 36. year
of King *Edward* the third. The Roll and
List of which Army, doth remaine of
Record in the Kings Remembraun-
cers Office in England: (in the presse
de Rebus agentibus Hiberniam) & dooth
not containe above fifteene hundred
men by the Poll; which because it
differs somewhat from the manner of
this age, both in respect of the Com-
mand and the Entertainment, I thinke it
not impertinent to take a brieve view
thereof.

The Lord *Lionel* was Generall, and

The Armie
transmitted
with Lionell
Duke of Cla-
rence, the 36.
of Edw. the 3.

*Archiv. Remem-
regis apud
Westm.*

under him Raulfe earle of Stafford, James
Earle of Ormond, Sir Iohn Carew Banne-
ret, Sir William Windsor, & other knights
were Commanders.

The entertainment of the Generall
vpon his first arriual, was but six shil-
lings eight pence, per diem, for him-
selfe; for five Knights, two shillings
a peece, per diem; for 64. Esquires, xij. d.
a peece, per diem; for 70. Archers, vj. d.
a peece, per diem. But being shortly af-
ter created Duke of Clarence (which ho-
nor was conferred vpon him being
heere in Ireland) his entertainment
was raised to xij. s. iij. d. per diem, for
himselfe, & for 8. Knights, ij. s. a peece
per diem, with an increase of the num-
ber of his Archers, viz. 360. Archers
on horsebacke, out of Lancashire, at
vj. d. a peece per diem, and 13. Archers
out of Wales, at ij. d. a peece per diem.
The earle of Staffords entertainment,
was for himselfe vi. s. viij. d. per diem, for
a Banerret, viij. s. 1. per diem, for xvij.
Knights.

Knights, ijs. a peece per diem, for 78.
 esquires, xij d. a peece per diem, for 100
 Archers on horsebacke, viij d. a peece
 per diem. Besides, he had the command
 of 24. Archers out of Staffordshire, 40.
 Archers out of Worcestershire, & six Ar-
 chers out of Shropshire, at iij d. a peece
 per diem.

The entertainment of James, earle of
 Ormond, was for himselfe iij s. per diem,
 for two Knights, ijs. a peece per diem,
 for 17 esquires xij d. a peece per diem,
 for 20 Hoblers armed (the Irish Horse-
 men were so called, because they ser-
 ued on Hobbies) viij d. a peece per diem,
 and for 20, Hoblers not armed, iij d.
 a peece per diem.

The entertainment of Sir Iohn Ca-
 raw Banneret, was for himselfe iij s.
 per diem, for one Knight, ijs. per diem,
 for eight esquires, xij d. a peece, per
 diem, for ten Archers on horsebacke,
 viij d. a peece per diem.

The entertainment of Sir William
 winfore,

menfore, was for himfelfe iij.s. per diem: for
two Knights, iij.s. a peece per diem: for
45. Squiers xij. d. a peece per diem, for
six Archers on horfeback, iij. d. a piece
per diem.

The like entertainment rateably,
were allowed to diuers Knights and
Gentlemen vpon that Lift, for them-
felues and their feuerall retinewes,
whereof some were greater, and some
leffe, as they themfelues could raise
them among their tenants and Follo-
wers.

For in ancient times, the King him-
felfe did not leuy his armies by his
owne immediate authority or Com-
mission, but the Lords and Captaines
did by Indenture Couenant with the
King, to ferue him in his Wars with
certaine numbers of men, for certain
wages & entertainments, which they
raised in greater or leffe numbers, as
they had fauour or power with the
people. This course hath been chan-
ged

The manner
of leuying
Souldiers in
former ages.

ged in later times vpon good reason
 of State: For the Barons and Chiefe
 Gentlemen of the realme, hauing po-
 wer to vse the Kings prerogatiue in
 that point, became too popular;
 whereby they were enabled to raise
 forces euen against the Crown it self,
 which since the Statutes made for le-
 uying and mustering of souldiers by
 the Kings speciall Commission, they
 cannot so easily performe, if they
 should forget their duties.

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THis Lord Lieutenant, with this small
 Army, perfourmed no great ser-
 uice; & yet vpon his comming ouer,
 all men who had Land in Ireland, were
 by Proclamation re-maunded backe
 out of England thither, and both the
 Cleargy and Laity of this land, gaue
 two yeares profits of all their Landes
 and Tithes, towards the maintenance
 of the war heere: only he suppressed
 some Rebels in Low *Leinster*, and re-

What seruice
*Lionel Duke of
 Clarence* per-
 formed.

*Archib. Turr.
 36. Edw. 3.
 Claus. m. 21. in
 dorso, & m. 30.*

F couered

covered the Maritime parts of his erl-
dome of *Wlster*. But his best service did
consist in the well-gouerning of his
army, and in holding that famous
Parliament at *Kilkenny*; wherein the
extortion of the souldier, and the de-
generat maners of the English (brief-
ly spoken of before) were discovered,
and Lawes made to reforme the
same: which shall bee declared more
at large heereafter.

Sir William
Windsor Lieu-
tenant, 47. Ed.
3. His forces
and service.

THE next *Lieutenant*, transmitted
with any forces out of *England*,
was Sir *William Windsor*; who in the 47
yeare of King *Edward* the third, vnder-
tooke the *Custodie*, not the *Conquest*, of
this Land (for now the English made
rather a *Defensue* then an *inuasue* war)
and withal, to defray the whol charge
of the kingdome, for cleauen thou-
sand two hundred thirteene pounds,
six shillings and eight pence, as ap-
peareth by the Indenture betweene
him

him and the King, remaining of Record in the Tower of London. But it appeareth by that which *Froissard* reporteth, that *Sir William Windsor* was so farre from subduing the Irish, as that himselfe reported: That he could neuer haue accessse to vnderstande and know their Countries, albeit he had spent more time in the seruice of Ireland, then any Englishman then liuing.

And heere I may well take occasion, to shewe the vanity of that which is reported in the Story of *Walsingham*, touching the reuennue of the Crown in Ireland, in the time of king Edward the third. For he setting forth the State of things there, in the time of King Richard the 2. Writeth thus:

Cum Rex Anglia illustris, Edwardus tertius illic posuisset Bancum suum atq; Iudices, cum Scaccario, percepit inde ad Regalem Fiscum annuatim triginta millia librarum; modo propter absentiam ligeorum, & hostium potentiam, nihil inde venit: sed Rex per annos singulos, de sua Marsupio, terra

47. Edw. 3.
Class. m. 1.

Stow. in Rich. 2.

The State of
the Reuennue
of Ireland, in
the time of
Edward the 3.

Walsingham in
Richard the 2.

defensoribus soluit Triginta millia marcarum, ad regni sui dedecus et fisci gravissimum detrimentum.

If this Writer had knowne, that the Kings Courts had beene established in Ireland more then a hundred yeares before King Edm. 3. was borne, or had seene eyther the Parliament Rols in England, or the Records of the Receits and yssues in Ireland, he had not left this vaine report to posterity. For both the Benches and the Exchequer were erected in the twelfth year of King Iohn. And it is recorded in the Parliament Rols of 21. of Edward the third, remaining in the Tower, that the Commons of England made petition that it might be enquired why the King receiued *no benefit* of his land of Ireland, considering he possessed more there, then any of his Ancestors had before him. Now, if the King at that time, when there were no Standing forces maintained there, had receiued 30000. pound yearly at his Exchequer

Archiv. Turr.

21. H. 3. patentm. 3.

21. Ed. 3. m. 41

Exchequer in *Ireland*, he must needes haue made profit by that land, considering that the whole charge of the kingdome in the 47. yeare of *Edward* the third (when the King did pay an army there) did amount to no more then eleuen thousand and two hundred pounds, *per annum*, as appeareth by the contract of Sir *William Windsor*.

47. Ed. 3. claus.
per. a. m. 24. &c
26.

Besides, it is manifest by the Pipe-Rolles of that time, wherof many are yet preserved in *Breminghams* Tower; and are of better credite then any Monkes story, that during the raigne of King *Edward* the third, the reuennue of the Crowne of *Ireland*, both certaine and casuall, did not rise vnto 10000. li. *per annum*, though the *Medium* be taken of the best seauen years that are to bee found in that Kinges time. The like Fable hath *Hollingshead* touching the reuennue of the Earledome of *Ulster*; which (saith hee)

Arche. in Ca-
stro Dublin.

Hollingshead in
R. 2.

in the time of king *Richard* the second was thirty thousand Markes by the yeare; whereas in truth, though the Lordships of *Conaght* and *Meib* (which were then parcell of the inheritaunce of the Earle of *Ulster*) be added to the accompt, the reuennue of that earledome came not to the thirde part of that he writeth. For the Accompt of the profits of *Ulster* yet remayning in *Breminghams* Tower, made by *William Fitz-warren*, Seneshall and Farmour of the Landes in *Ulster*, seized into the Kings hands after the death of *Walter de Burgo*, Earle of *Ulster*, from the fifth yeare of *Edward* the third, vntill the eight yeare, doe amount but to 900. and odde pounds, at what time the Irishry had not made so great an inuasion vpon the earledome of *Ulster*, as they had done in the time of King *Richard* the second.

As vaine a thing it is, that I haue seen written in an ancient *Manuscript*, touch-

*Archiv. in Ca-
stro Dublin. 5.
Edm. 3.*

touching the Customes of this realme
 in the time of King *Edward* the third,
 that those duties in those daies should
 yearely amount to 10000. Markes,
 which by mine owne search and view
 of the Records heere, I can iustly con-
 troll. For vppon the late reducing of
 this ancient inheritance of the crown
 which had beene detained in most of
 the Port-Townes of this Realme, for
 the space of a hundred yeares and vp-
 wardes, I tooke some paines (accor-
 ding to the duty of my place) to visit
 all the Pipe-Rolles, wherein the Ac-
 compts of Customes are contained,
 and found those duties aunswered in
 euery Port, for 150. yeares together,
 but did not find that at any time they
 did exceed a thousand pound, *Per an-
 num*; and no maruell, for the subsidie
 of Pondage was not then known, and
 the greatest profite did arise by the
 Cocquet of Hides; for Wooll, and
 Wooll-fels were euer of little value
 in

in this Kingdome.

But now againe let vs see how the Martiall affayrs proceeded in Ireland. Sir *william winsor* continued his gouernment till the latter end of the raigñ of King *Edward* the thirde, keeping, but not enlarging, the English borders.

How the war
proceeded in
the time of K.
Richard the 3.

3. Rich. 3.
Archib. Turr.
Rot. Parliam.
42.

IN the beginning of the raigñ of King *Richard* the second, the State of England began to thinke of the recouery of Ireland: For then was the first Statute made against *Absentees*, commanding al such as had Land in *Ireland*, to returne & reside thereupon, vppon paine to forfeite two third parts of the profit thereof. Againe, this King, before himselfe intended to passe ouer, committed the Gouernment of this Realme to such great Lordes successiuelly, as he did most loue and fauor: first to the Earle of *Oxford* his Cheefe Minion, whom he created Marquesse of *Dublin*, and Duke of *Ireland*: next to the Duke of *Surrey* his halfe Brother: and lastly

lastly, to the Lord Mortimer, Earle of
March and Efler, his Cousin and heyre
apparaunt.

Among the Patent Rolles in the
Tower, the ninth yeare of Rich. the 1.
we finde five hundred men at Armes

at xij. d. a peece, *Per diem*, and a 1000.

Archers at vi. pence a peece, *per diem*,

appointed for the Duke of Ireland,

Super Conquestu illius terre per duos annos:

for those are the wordes of that Re-

cord; But for the other two Licute-

nants, I do not find the certain num-

bers, wherof their armies did consist.

But certaine it is, that they were scarfe

able to defend the English borders,

much lesse to reduce the whol Ifland.

For one of them; namely, the Earle

of March was himselfe slain vpon the

borders of *Mab*; for reuenge of

whose death, the King himselfe made

his second voyage into *Ireland*, in the

last yeare of his raigne. For his first

voyage in the eighteenth yeare of his

G

raigne,

*Pat. 9. par. 9.
Rich. 1. m. 24.*

*Super Conquestu
illius terre per
duos annos.*

Walsingham in
Richard the 1.

Annales, Tho.
Otterbourne
Manuscript.

raigne (which was indeed a Voyage Royall) was made vpon another mo-
tue and occasion, which was this;
Vpon the vacancy of the Empire, this
King hauing married the King of Bo-
hemias Daughter (whereby hee had
great alliance in Germany) did by his
Ambassadors solicit the Princes Ele-
ctors to choose him Emperour: but
another being elected, and his ambal-
sadors returned, hee would needes
know of them the cause of his repulse
in that Competition: they tolde him
plainly, that the Princes of Germanie
did not thinke him fit to commaund
the Empire, who was neither able to
hold that which his Ancestours had
gained in France, nor to rule his inso-
lent Subiects in England, nor to Mai-
ster his rebellious people of Ireland.
This was enough to kindle in the
heart of a young Prince, a desire to
performe some great enterprife. And
therefore finding it no fit time to at-
tempt

tempt *France*, he resolved to finish the Conquest of *Ireland*; and to that end, he leuied a mightie armie, consisting of foure thousand men at Armes; and 30000. Archers, which was a sufficient power to haue reduced the whole Island, if he had first broken the Irish with a warre, and after established the English Lawes among them, and not haue beene satisfied with their light submissions onely, wherewith in all ages they haue mockt and abused the State of England. But the Irish Lords knowing this to be a sure policie to dissolue the forces which they were not able to resist (for their Ancestors had put the same trick and imposture vppon King *John*, and King *Henry* the second) as soone as the King was intified with his army, which he brought ouer vnder *S. Edwards* Banner (whose name was had in great veneration amongst the Irish) they all made offer to submit themselves. Whereupon

Stow in Rich. 2

*Archib. in offi-
cio Rememorat.
regis apud West-
mon.*

the Lorde Thomas Mortay, Earle of
Nottingham, and Marshall of England,
was authorized by speciall Commis-
sion, to receiue the homages & Oaths
of fidelity, of all the Irish of Len-
ster. And the King himselfe hauing re-
ceiued humble Letters from Oursle,
(wherein hee styleth himselfe Prince
of the Irishry in *Ulster*, and yet ackno-
ledgeth the King to be his Soueraign
Lorde; *perpetuus Dominus Hibernie*)
remoued to Droghedab, to accept the
like submissions from the Irish of *Ul-
ster*. The men of *Leinster*, namely, Mac
Mothogb, O Byrne, O Moore, O Murragh,
O Nolan, and the cheefe of the Kinsbe-
longes, in an humble and solemn man-
ner did their homages, & made their
Oaths of fidelity to the Earl Marshall,
laying aside their girdles, their skeins
and their Caps, and falling downe at
his feet vpon their knees. Which whe
they had performed, the Earle gaue
vnto each of them, *Osculum pacis*.

Besides,

Besides, they were bound by feuerall
 Indentures, vpon great paines to bee
 payde to the Apostolique Chamber,
 not onely to continue loyall subiects,
 but that by a certaine day prefixed,
 they and all their Sword-men should
 clearly relinquish and giue vp vnto
 the King and his successors all their
 Landes and possessions which they
 held in Leinster, and (taking with them
 onely their moucable goods) should
 serue him in his warres against his o-
 ther Rebels. In consideration where-
 of, the King should giue them pay &
 pensions during their liues, and be-
 stow the inheritance of all such lands
 vpon them, as they should recover
 from the Rebels, in any other part of
 the Realme. And thereupon, a pen-
 sion of eighty Markes, per annum, was
 graunted to *Art Mac Murragh*, chiefe
 of the *Kavanaghos*, the enrolement
 whereof I found in the White booke
 of the Exchequer here. And this was

the effect of the seruice performed by the Earle Marshall, by vertue of his Commission. The King in like manner receiued the submissions of the Lords of *Uster*, namely; *O Neal, O Hanlon, Mac Donel, Mac Mabon, & others*; who with the like Humility and Ceremony, did homage and fealtie to the Kings owne person; the words of *O Neales* homage as they are recorded are not vnfit to be remembered: *Ego Nelanus Oneal Senior tam pro meipso, quā pro filiis meis, & tota Natione mea & Parenteli meā, & pro omnibus subditis meis deuenio Ligatus homo vestre, &c.* And in the Indenture betweene him and the King, he is not onely bound to remaine faithfull to the Crowne of England, but to restore the *Bonaght* of *Uster*, to the Earle of *Uster*, as of right belonging to that Barredome, & vsurped among other things by the *Oneales*.

These Indentures and submissions, & many other of the same kinde (for there was not a Chieftaine

or head of an Irish sept, but submitted himselfe in one forme or other) the King himselfe caused to bee enrolled and testified by a Notary publique, & deliuered the enroulements with his owne hands to the Byshop of *Salisbury*, then Lord Treasurer of *England*, so as they haue beene preserued, and are now to be found in the Office of the Kings Remembrancer there.

With these humilities they satisfi-
ed the young King, and by their bow-
ing and bending, auoyded the pre-
sent storme, and so brake that Army,
which was prepared to breake them.
For the King hauing accepted their
submissions, receiued them in *Osculo*
pacis, feasted them, and giuen the ho-
nor of Knight-hood to diuers of the,
did breake vp and dissolue his armie,
and returned into *England* with much
honor, & smal profit, (saith *Froissard*.)
For though he had spent a huge masse
of Treasure in transporting his army,
by

by the countenance whereof, he drew on their submissions; yet did hee not entcrease his reuennue thereby one sterling pound, nor enlarged the English borders the bredth of one Acre of Land; neither did he extend the Iurisdiction of his Courtes of Justice one foote further then the English Colonies, wherein it was vsed and exercised before. Besides, he was no sooner returned into England, but those Irish Lords laide aside their masks of humility, and scorning the weake forces which the King had left behinde him, beganne to infect the borders; in defence whereof, the Lord Roger Mortimer being then the Kings Lieutenant, and heire apparent of the Crowne of England, was slaine, as I saide before. Whereupon, the king being moued with a iust appetite of reuenge, came ouer againe in person, in the 22. yeare of his raigne, with as potent an armie, as he had done before, with a ful purpose

pose to make a full Conquest of Ire-
land: he landed at ~~Wexford~~, and pas-
sing from thence to *Dublin*, through
the wast Countries of the *Murrigbes*,
Kinsbelaghes, *Caianaghes*, *Birnes*, and
Tooles, his great armie was much di-
stressed for want of victuals and car-
riages, so as he performed no memo-
rable thing in that iourney: onely in
the *Caianaghes* Countrey, hee cut and
cleared the paces, and bestowed the
honor of Knighthood vpon the Lord
Henry, the Duke of *Lancaster*'s son, who
was afterwards King *Hennie* the fiste,
and so came to *Dublin*, where entering
into Counsell how to proceede in the
warre, he receiued newes out of *Eng-
land*, of the arriual of the bannished
Duke of *Lancaster* at *Rauensburgh*, vsur-
ping the Regall authority, and arre-
sting and putting to death his princi-
pall Officers.

This aduertisement suddainely
brake off the kings purpose touching

H the

*Hollinghead in
Richard the 2.*

Richard the 2.

Richard the 2.

Richard the 2.

Richard the 2.

the prosecution of the warre in Ireland, and transported him into England, where shortly after hee ended both his raigne and his life. Since whose time, vntill the 39. yeare of Q. *Elizabeth*, there was neuer any armie sent ouer of a Competent strength or power to subdue the Irish, but the warre was made by the English Colonies, onely to defend their borders; or if any forces were transmitted ouer, they were sent only to suppress the rebellions of such as were descended of English race, and not to enlarge our Dominion ouer the Irish.

Henry 4.

The Lord
Thomas of
Lancaster his
seruice.

DVring the raigne of king *Henrie* the fourth, the Lorde *Thomas* of *Lancaster* the Kings second sonne, was Lieutenant of *Ireland*, who for the first eight yeares of that Kings raign, made the Lord *Scroope*, and others his Deputies, who only defended the Marches with forces leuied within the Land.

Land. In the eight yeare that Prince
came ouer in person with a small reti-
nue. So as wanting a sufficient po-
wer to attempt or performe any great
seruice, he returned within seuen mo-
neths after into *England*. Yet during
his personall abode there, he was hurt
in his owne person within one mile
of *Dublin*, vpon an incounter with the
Irish enemy. He tooke the submissi-
ons of *O Birne* of the Mountaines, *Mac*
Mabon, and *O Rehy*, by seuerall Inden-
tures, wherein *O Birne* doth Couenant,
that the King shall quietly enioy the
Mannor of *New-Castle*; *Mac Mabon* ac-
cepteth a State in the *Ferry* for life,
rendering ten pound a yeare; and *O*
Reley doth promise to performe such
duties to the Earle of *March* and *Vlster*,
as were contained in an Indenture
dated the 18. of *Richard* the second.

In the time of *K. Henry* the fift, there
cam no forces out of *England*. How

Archib. Rememorat. regis apud Westm.

Henry 5.

The Lorde
Furniual his
seruice.

*Alb. libr. Seacc.
Dublin.*

beit the Lord *Furniual* being the kings
Lieutenante, made a martial circuit, or
iourney, round about the **Marches &
Borders** of the Pale, and brought all
the Irish to the Kings peace, begin-
ning with the *Birnet, Tooles, and Cava-*
nagbes on the South, and so passing to
the *Moore, O Connors, and Offerals* in
the West; and ending with the *O Re-*
licks, Mac Mabons, O Neales, and O Hau-
lots in the North. Hee had power to
make them seeke the Kings peace, but
not power to reduce them to the O-
bedience of Subiectes: yet this was
then held so great and worthy a ser-
uice, as that the Lords & chiefe Gen-
tlemen of the Pale, made certificate
thereof in French vnto the King, be-
ing then in *France*: which I haue seen
Recorded in the *white Booke* of the
Exchequer at *Dublin*. Nowbeit his Ar-
mie was so ill paid and gouerned, as
the English suffered more damage
by the Sesse of his Souldiers (for now
that

that Monster (*Coigne*, and *Limerie*) which the Statute of *Kilkenny* had for a time abolished, was risen againe from hell) then they gained profit or security, by abating the pride of their enemies for a time.

DVring the minority of King *Henry* the sixth, and for the space of seven or eight yeares after, the Lientenants and Deputies made only a bordering warre vpon the Irish, with small and scattered forces; howbeit, because there came no treasure out of *England* to pay the Soldier, the poore English subiect, did beare the burthen of the men of warre in euery place, & were thereby so weakned and impouerished, as the State of thinges in *Ireland*, stood very desperate.

Whereupon, the Cardinall of *Winchester* (who after the death of *Humfrey* Duke of *Gloucester*, did wholly sway the State of *England*) beeing desirous to

Henry 6.

H₃

place

Richard Duke
of Yorke has
seruice.

place the Duke of Somerset in the Regencie of France, tooke occasion to remooue Richard Duke of Yorke from that government, and to send him into Ireland, pretending that hee was a most able and willing person, to performe seruice there, because he had a great inheritance of his owne in Ireland; namely, the Earledom of Vlster, and the Lordships of Conaght & Meth, by discent from Lionell Duke of Clarence.

We do not finde that this great Lord came ouer with any numbers of waged souldiers, but it appeareth vpon what good termes hee tooke that Gouvernement, by the Couenants betweene the King and him, which are recorded and confirmed by Acte of Parliament in Ireland, and were to this effect:

Archiu. in Ca-
stro Dublin.

1. That he should be the Kings Lieutenant of Ireland, for ten yeares.

2 That

2. That to support the charge of that Countrey, he should receive al the kings reuennues there, both certaine and casual, without accompt.
3. That he should bee supplied also with treasure out of *England*, in this maner; he should haue four thousand Markes for the first yeare, whereof he should bee imprested 2000. li. before hand; and for the other nine yeares, hee should receive 2000. li. *per annum*.
4. That hee might Let to Ferme the Kings Landes, and place and displace all Officers at his pleasure.
5. That he might leuy and wage what numbers of men, he thought fit.
6. That he might make a Deputy, and returne at his pleasure.

We cannot presume that this Prince kept any great army on foote, as well because his means out of *England* were so meane, and those ill payde, as appeareth by his passionate letter written

*Hollinghead in
Henry the sixt.*

*Rot. Parliam.
in Castro Dublin*

ten to the Earl of *Salisbury* his brother in Law; the Coppy whereof, is Registered in the Story of this time: as also because the whole Lande, except the English Pale, and some patt of the Earledome of *Wlster*, vppon the Sea-Coasts, were posselt by the Irish. So as the Reuennue of the Kingdome, which he was to receite, did amount to little. He kept the Borders & Marches of the Pale with much adoo; he held many Parliaments, wherein sundry Lawes were made, for erecting of Castles in *Louth*, *Meib*, and *Kildare*, to stop the incursions of the Irishrie. And because the souldiers for want of pay were felled and laide vppon the subiects against their willes, vpon the prayer and importunitie of the Commons, this extortion was declared to be *Higb-Treason*. But to the end, that some meanes might be raised to nourish some forces for defence of the Pale, by another Acte of Parliament, euerie

euery twenty pound Land was charged with the furnishing and maintenance of one Archer on horsebacke.

Besides, the native subiects of Ireland seeing the kingdome vtterly ruined, did passe in such numbers into England, as one Law was made in England, to transmit them backe againe; and another Law made heere to stop their passage in euery Port & creeke. Yet afterwards, the greatest partes of the Nobility and Gentry of *Meth*, past ouer into England, and were slaine with him at *wakefield* in *Yorksire*.

Lastly, the State of England was so farre from sending an army to subdue the Irish at this time, as among the Articles of greeuances exhibited by the Duke of *Torke* against *K. Henry* the sixte, this was one; That diuers Lords about the King, had caused his Highnesse to write Letters vnto some of his Irish enemies; whereby they were encouraged to attempt the con-

I quest

Archiu Tur. 17
Hen. 6. Claus. m.
20.

Manuscript of
Baron Englas.

Hollingshead in
Hen. 6.

quest of the said Land. Which Letters, the same Irish enemies had sent vnto the Duke; maruailing greatlie, that such Letters should be sent vnto them, & speaking therein great shame of the Realme of *England*.

After this, when this great Lorde was returned into *England*, and making claime to the Crowne, beganne the Warre betwixt the two Houses; It cannot bee conceiued, but that the kingdome fell into a worse and weaker estate.

Edward 4

How the war was maintained in the time of King Edward the 4

WHEN *Edward* the fourth was settled in the kingdome of *England*, he made his Brother *George* Du. of *Clarence*, Lieutenant of *Ireland*. This Prince was born in the Castle of *Dublin*, during the Gouvernment of his father the Duke of *Yorke*; yet did hee neuer passe ouer into this kingdome, to gouerne it in person, though hee held the Lieutenancie many yeares.

But

But it is manifest, that King *Edward* the fourth did not pay any army in Ireland during his raigne; but the men of war did pay themselves by taking Coigne and Livery vppon the Countrey: which extortion grew so excessive and intollerable, as the Lord *Tip-topst* being Deputy to the Duke of *Clarence*, was enforced to execute the Law vppon the greatest Earle in the Kingdome; namely, *Desmond*; who lost his head at *Drogheda* for this offence. Howbeit, that the State might not seeme utterly to neglect the defence of the Pale, there was a fraternity of men at armes, called the *Brother-hood of S. George*, erected by Parliament, the 14. of *Edward* the fourth, consisting of thirteene the most Noble and woorthy persons within the foure shires. Of the first foundation, were *Thomas* Earle of *Kildare*, *Sir Rowland Eustace*, Lord of *Port-lester*, and *Sir Robert Eustace* for the County of *Kildare*;

Hollinghead in
Edward the 4

Booke of
Howth. Manuf.

The fraterni-
ty of Saint
George in Ire-
land,

14. of *Edw.* 4.
Rot Parliam.
Dublin.

dare, Robert Lord of *Howth*, the Maior
 of *Dublin*, and Sir Robert *Dowdall*, for
 the County of *Dublin*; the Vicount of
Gormauſton, Edward *Plunket*, Seneshall
 of *Meath*; Alexander *Plunket*, and Barna-
 be *Barnewale*, for the County of *Meath*;
 the Maior of *Drogheda*, Sir *Lawraunce*
Taaſſe, and Richard *Bellewe*, for the
 Countie of *Louth*. Theſe and their
 ſucceſſors, were to meet yearly vp-
 on *S. Georges* day; and to chooſe one
 of themſelues to be Captaine of that
 Brother-hood, for the next yeare to
 come. Which Captaine, ſhould haue
 at his commaund, 120. Archers on
 horſebacke, 40. horſemen, and forty
 Pages, to ſuppreſſe Out-lawes and re-
 bels. The Wages of euery Archer,
 ſhould be *vj. pence*, *Per diem*; & eue-
 ry horſeman, *v. d. Per diem*; and foure
 Markes, *Per annum*. And to pay theſe
 entertainments, and to maintain this
 new fraternity, there was granted vn-
 to them by the ſame Act of Parliament

a subsidie of Pondage, out of all Marchandizes exported or imported thoroughout the Realme (hydes, and the goods of Free-men of *Dublin & Drogheda* onely excepted.) These 200. men were al the standing forces that were then maintained in Ireland. And as they were Natiues of the kingdom, so the kingdom it selfe did pay their wages without expecting any treasure out of *England*.

BVt now the warres of *Lancaster* and *Yorke* being ended, and *Henrie* the seuenth being in the actuall & peaceable possession of the kingdome of *England*, let vs see if this King did send ouer a Competent Armie to make a perfect Conquest of *Ireland*. Assuredly, if those two Idolles or counterfets which were set vp against him in the beginning of his raigh, had not found footing and followers in this Lande, King *Henrie* the seuenth had sent nei-

Henrie 7.

How the war was prosecuted in the time of King Henry the 7.

ther horse nor foote hither, but let the Pale to the Guard and defence of the fraternitie of *Saint George*, which stood till the tenth year of his raigne. And therefore, vpon the erection of the first Idoll, which was *Lambert* the Priests Boy, he transmitted no forces, but sent ouer Sir *Richard Edgecomb*, with Commission to take an Oath of allegiance of al the Nobility, Gentry, and Cittizens of this kingdom, which seruice he performed fully, and made an exact returne of his Commission to the King. And immediately after that, the King sent for all the Lordes of Parliament in this realme; who repaying to his presence, were first in a Kingly manner reprooued by him; for among other things he told them, that if their King were still absent fro them, they would at length Crowne Apes; but at last entertained them, and dismissed them graciously. This course of clemency hee held at first.

But

*Archiu. Remem.
Regis apud.
Westm.*

*The Booke of
Howth, Manus.*

But after, when *Perkin warbecke*, who was set vp, and followed chiefly by the *Giraldines* in *Leinster*, and the *Cittizens* of *Corke* in *Mounster*; to suppress this counterfaite, the King sent ouer *Sir Edward Poynings*, with an Army (as the Histories call it) which did not consist of a thousand men by the Pol; and yet it brought such terroure with it, as all the Adherents of *Perkin warbecke* were scattered, and retyred for succour into the Irish Countries: to the Marches whereof, hee marched with his weake forces, but est-soones returned & held a Parliament. Wherein among many good Lawes, one Act was made; That no subiect shold make any warre or peace within the Land, without the speciall License of the Kings Lieutenant or Deputie. A manifest argument, that at that time the bordering Warres in this kingdome, were made altogether by Voluntaries, vpon their own head, without

Hollingshead in Henry the 7.

Sir Edward Poynings service.

Rot. Parliam. in Castro Dublin.

The Booke of
Howth,

The battell of
Knocknow,

out any pay or entertainment, and without any Order or Commission from the State. And though the Lords and Gentlemen of the Pale, in the 19. yeare of this Kings raigne, ioyned the famous battell of *Knocknow* in *Conaght*; wherein *Mac william*, with 4000. of the Irish, and degenerat English were slaine; yet was not this iourney made by warrant from the King, or vppon his charge (as it is expessed in the Booke of *Howth*) but only vpon a priuate quarrell of the Earle of *Kildare*: so loofely were themartiall affaires of *Ireland* carried, during the raigne of King *Henry* the seuenth.

Henrie 8.

How the war
was carried,
during the
Raigne of K.
Henrie the 8.

IN the time of King *Henry* the eight, the Earle of *Surrey*, Lorde Admirall, was made Lieutenant; and though he were the greatest Captain of the English Nation the liuing; yet brought he with him rather an honorable Guard for his person, then a competent armie

me to recouer Ireland. For he had in his retinue, 200. tall Yeomen of the Kings Guard : But because hee wanted meanes to performe any great action, hee made meanes to returne the sooner: yet in the meane time he was not ydle, but passed the short time he spent heere, in holding a Parliament, and diuers iournies against the Rebels of *Leinster*; insomuch as he was hurt in his own person, vpon the borders of *Leix*. After the reuocation of this honourable personage, King *Henry* the eight, sent no forces into *Ireland*, till the rebellion of the *Giraldines*, which hapned in the 27. year of his raigne. Then sent he ouer *Sir William Skeuington*, with fiue hundred men onely to quench that fire, and not to enlarge the border, or to rectifie the Gouvernement. This Deputy dyed in the midst of the seruice, so as the Lord *Leonard Gray* was sent to finish it: who arriuing with a supply of 200. men, or

K there

The Earle of
Surries ser-
uice.

The Lord *Le-
onard Grayes*
seruice,

thereabouts, did so prosecute the Rebels, as the Lord Garret their Chiefe-
taine, and his five Vnckles, submitted
them-selues vnto him, and were by
him transmitted into England.

But this seruice being ended, that
actiue Nobleman with his litle army,
and some ayds of the Pale, did often-
times repell *O Neale*, and *O Donel*, at-
tempting the inuasion of the Ciuill
Shires, and at last made that prospe-
rous fight at *Belaboo*, on the Confines
of *Meib*; the memory whereof, is yet
famous, as that he defeated (well-nie)
all the power of the North; & so qui-
eted the border for many yeares.

Hitherto then it is manifest, that
since the last transfretation of King
Richard the second, the Crowne of
England neuer sent ouer, either num-
bers of men, or quantities of treasure,
sufficient to defend the small Terri-
tory of the Pale, much lesse to reduce
that which was lost, or to finish the
Conquest

The fight at
Belaboo.

Booke of
Hawth Manus.

Conquest of the whole Island.

After this, Sir *Anthony St. Leger*, was made chiefe *Gouernor*, who performed great seruice in a ciuill course, as shall be expressed heereafter. But Sir *Edward Bellingham*, who succeeded him, proceeded in a Martiall course against the Irishry, and was the first Deputy, from the time of K. *Edward* the third, till the raign of king *Edward* the sixth, that extended the border beyond the limits of the English Pale, by beating and breaking the *Moorés* and *Connors*, and building the Forts of *Leix* and *Offaly*. This seruice he performed with sixe hundered horse; the monthly charge whereof, did arise to 770. li. And 400. foote, whose pay did amount to 446. li. *per mensem*; as appeareth vpon the Treasurers accompt, remaining in the Office of the Kinges Remembrauncer in England. Yet were not these Countries so fully recouered by this Deputy, but that *Tbo*

Sir Anthony
Saint Leger.

Sir Edward
Bellingham,
in the time of
K. Edw. the 6.

Archib. Remem.
Regis apud
Westm.

Tho: Earle of
Suffex, in the
time of Qu.
Mary.

mas Earl of Suffex did put the last hand to this worke; and rooting out these two rebellious Septs, planted English Colonies in their roomes, which in all the tumultuous times since, haue kept their Habitations, their Loyalty, and Religion.

Queen E-
lizabeth.

And now are we come to the time of Queene ELIZABETH, who sent ouer more men, and spent more treasure to saue and reduce the Lande of Ireland, then all her progenitors since the Conquest.

How the War
was prosecuted
in the
time of Qu.
Elizabeth.

DVring her raig, there arose three notorious and maine Rebellions, which drewe seuerall armies out of England. The first of Shane O Neale; the second, of Desmond; the last of Tyrone; (for the particular insurrections of the Vicount Baltinglasse, and Sir Edmund Butler; the Moores; the Cauanaghes; the Strues; and the Bourkes of Conaght, were all suppressed by the standing forces heere.)

To

To subdue *Shane O Neel*, in the hight
of his rebellion, in the yeare, 1566.
Captaine Randal transported a Regi-
ment of 1000. men into *Ulster*, & plan-
ted a Garrison at *Loughswile*. Before the
comming of which supply (viz:) in
the yeare, 1565. the List of the stan-
ding army of horse and foot, English
and Irish, did not exceed the number
of 1200. men, as appeareth by the
Treasurers accompt of Ireland, now
remaining in the Exchequer of Eng-
land. With these forces did *Sir Henry
Sidney* (then Lord Deputy) march in-
to the farthest parts of *Tirone*, and joy-
ning with Captaine Randal, did much
distresse (but not fully defeat) *O
Neale*, who was afterwards slain vpon
a meere accident by the Scottes, and
not by the Queenes army.

*Shane O Neales
Rebellion.*

*Archiu. Roman.
Regis apud
Westm.*

*1577. Henry T.
1578.*

To prosecute the Warres in Mun-
ster, against *Desmond* and his Adhe-
rents, there were transmitted out of
K 3 England,

*Desmonds Re-
bellion.*

Tyrones Re-
bellion.

England at severall times, three or four thousand men, which together, with the standing Carrisons, and some other supplies raised heere, made at one time, an army of six thousand & vpwards: which with the Vertue and Iour of *Arthur Lorde Gray*, and others the Commanders, did proue a sufficient power to extinguish that rebellion. But that being doone, it was neuer intended that these forces should stand, till the rest of the kingdome were settled and reduced: onely, that army which was brought ouer by the Earle of *Essex*, Lorde Lieutenant and Gouvernor generall of this kingdom, in the 39. yeare of Queen *Elizabeth*, to suppress the Rebellion of *Tirone*, which was spread vniuersally ouer the whole Realme; That armie, I say (the command whereof, with the government of the Realme, was shortly after transferred to the commaund of the Lord *Montjoy*, afterwards Earl of *Devonsbire*,

Wonsbire, who with singular wisdom,
 valour, and industry, did prosecute &
 finish the Warre) did consist of such
 good men of warre, and of such num-
 bers, being wel-ny 20000. by the Pol,
 and was so royally supplied and paid,
 and continued in full strength so long
 a time, as that it brake, and absolute-
 ly subdued all the Lordes and Chiefe-
 taines of the Irishry, and degenerate
 or rebellious English. Whereupon,
 the multitude, who euer loued to bee
 followers of such as could master and
 defend them; admyring the power of
 the Crowne of England, being brai'd
 (as it were) in a Morter, with the
 Sword, *Famine*, & *Pestilence* altogether,
 submitted themselves to the English
 gouernment, receiued the Lawes and
 Magistrates, and most gladly embrac-
 ed the Kings pardon and peace in
 all parts of the Realme, with demon-
 stration of ioy and comfort; which
 made indeede, an entire, perfect, and
 finall

finall Conquest of Ireland. And though
 vpon the finishing of the warre, this
 great Iarmie was reduced to lesse
 numbers, yet hath his Maiestie in his
 Wisedome, thought it fit, stil to main-
 taine such competent forces heere, as
 the Law may make her progresse &
 Circuit about the Realme, vnder the
 protection of the sword (as *Virgo*, the
 figure of Iustice, is by *Leo* in the *Zodi-
 ack*) vntill the people haue perfectly
 learned the Lesson of Obedience, &
 the Conquest bee established in the
 hearts of all men.

Thus farre haue I endeouored to
 make it manifest, that from the
 first aduenture and attempt of the
 English (to subdue and conquer Ire-
 land) vntill the last warre with *Tyrone*,
 (which as it was royally vndertaken,
 so it was really prosecuted to the end)
 there hath bin foure maine defects in
 the carriage of the martiall affayres
 heere.

Foure maine
 defects in the
 prosecution of
 the warre.

heere. First, the armies for the most part, were too weake for a Conquest: Secondly, when they were of a competent strength (as in both his Iournies of Richard the second) they were too soone broken up and dissolved: Thirdly, they were ill paid: And fourthly, they were ill Governed, which is alwayes a consequent of ill payment.

But why was not this great worke performed, before the latter end of Queene Elizabeths raigne, considering that many of the Kings her Progenitors, were as great Capitaines as any in the world, and had else where larger Dominions and Territories? First, who can tell, whither the Diuine Wisdom, to abate the glory of those Kings, did not referue this Worke to be done by a Queen, that it might rather appeare to be his owne immediate worke: And yet for her greater Ho-

L nor,

Why none of the Kinges of England, before Queene Elizabeth, did finish the conquest of Ireland.

nior, made it the last of her great actions, as it were, to Crowne al the rest? And to the end, that a secure peace might settle the Conquest, and make it firme and perpetuall to posteritie; caused it to bee made in that fulnesse of time, when England and Scotland became to be vnited vnder one imperi-
all Crowne; and when the Monarchy of Great Brittainy was in league & amity with all the worlde. Besides, the Conquest at this time, doth perhaps fulfill that prophesie, wherein the four great Prophets of Ireland do concur, as it is recorded by Giraldus Cambresis; to this effect: That after the first inuasion of the English, they shold spend many ages, in crebris conflictibus, longoq;
certamine & multis caedibus. And that, *Omnes fere Anglici ab Hibernia turbabuntur: nihilominus orientalia maritima semper obtinebunt; Sed vix paulo ante diem Indisq; plenam Anglorum populo victoriam compromittunt; Insula Hibernica de mari vsque ad mare de toto subacta & incastellata.* If S. Patrick and the rest did

Giraldus Cambresis,

did not vtter this prophesy ; certainly *Giraldus* is a Prophet, who hath reported it. To this, we may adde the prophesy of *Merlin*, spoken of also by *Giraldus*, *Sextus mœnia Hiberniæ subuertet, & regiones in Regnum redigentur*. Which is performed in the time of King *James* the sixt; in that all the paces are cleared, and places of fastnesse laid open, which are the proper Wals & Castles of the Irish, as they were of the British in the time of *Agricola*; and withal, the Irish Countries beeing reduced into Counties, make but one entire and vndeuided kingdome.

But to leaue these high & obscure causes, the plaine and manifest trueth is; that the Kings of *England* in al ages, had bin powerfull enough, to make an absolute conquest of *Ireland*; if their whole power had been employed in that enterprize : but still there arose sundry occasions, which diuided and diuerted their power som other way.

How the feuerall Kings of England were diuerted from the conquest of Ireland.

King
Henric 2.

The Booke of
Howth, Manus.

Let vs therefore take a brieue view of the feuerall impediments which arose in euery Kinges time, since the first ouerture of the Conquest, whereby they were so employed and busied, as they could not intend the finall Conquest of Ireland.

King Henric the second, was no sooner returned out of Ireland, but all his foure Sonnes conspired with his enemies, rose in Armes, and moued warre against him, both in France and in England.

This vnnaturall treason of his sons, did the King express in an Embleme painted in his Chamber at Winchester, wherein was an Eagle, with three Eglets tyring on her brest, & the fourth pecking at one of her eyes. And the troth is, these vngracious practises of his sonnes, did impeach his journey to the Holy Land, which he had once vowed, vexed him all the dayes of his life.

life, and brought his gray haire with sorrow to the graue. Besides, this king hauing giuen the Lordship of *Ireland* to *Iohn* his youngest sonne; his ingratitude afterwards made the king carelesse to settle him in the quiet and absolute possession of that kingdome.

Richard the first, which succeeded *Henric* the second in the kingdom of *England*, had lesse reason to bend his power towards the Conquest of this Land, which was giuen in perpetuity to the Lord *Iohn* his brother. And therefore, went hee in person to the holy warre; by which iourney, & his captivity in *Austria*, and the heavy ransom that he paid for his libertie, hee was hindered, and vitterly disabled to pursue any so great an action as the Conquest of *Ireland*. And after his deliuey and returne, hardly was he able to maintaine a frontier warre in *Normandy*, whereby hard fortune he lost his life.

Richard I

L 3 King

K. Iohn.

King Iohn his Brother, had greatest reason to prosecute the Warre of Ireland, because the Lordship thereof was the portion of his inheritance, giuen vnto him, when hee was called, Iohn Sans-Terre. Therefore, hee made two iournies thither; one, when he was Earle of Morton, and very yong, about twelue years of age; the other, when he was King, in the 11. yeare of his raigne. In the first, his own youth, and his youthfull company, Roboams Counsellours, made him hazard the losse of al that his father had won. But in the later, he shewed a resolution to recouer the entire Kingdome, in taking the submissions of al the Irishry, and setting the estates of the English, and giuing Order for the building of many Castles and Forts, wherof some remaine vntill this day. But hee came to the Crowne of England, by a defeasible Title, so as he was neuer well settled in the hearts of the people, which

which drew him the sooner back out of *Ireland* into *England*: where shortly after, he fell into such trouble and distress; The Clergy cursing him on the one side; and the Barons rebelling against him on the other, as hee became so farre vnable to returne to the Conquest of *Ireland*, as besides the forfeiture of the territories in *France*, hee did in a manner loose both the kingdomes. For hee surrendred both to the Pope, and tooke them backe againe to hold in Fee-farme; which brought him into such hatred at home, and such contempt abroad, as all his life time after, hee was possesst rather with feare of loosing his head, then with hope of reducing the kingdome of *Ireland*.

During the infancy of *Henry* the 3. the Barons were troubled in expelling the French, whome they had drawne in against King *Iohn*. But this Prince

Henrie 3

Brince was no sooner come to his ma-
 iority; but the Barons raised a long
 and cruell war against him. In these troubled waters, the Bi-
 shops of Rome did cast their Nets, and
 drew away all the wealth of the realm
 by their provisions, and infinite ex-
 actions, whereby the kingdom was so
 impouerished, as the King was scarce
 able to feed his owne houlholde and
 traine, much lesse to nourish armies
 for the conquest of forren kingdoms;
 And albeir he had given this Land to
 the Lord Edward his eldest sonne, yet
 could not that woorthy Prince ever
 finde meanes or opportunity to visit
 this kingdom in person. For, from
 the time he was able to beare armes,
 he serued continually against the Ba-
 rons, by whom hee was taken priso-
 ner at the battell of Lewes. And when
 that rebellion was appeased, he made
 a iourney to the Holy Land (an em-
 ployment which in those daies diuert-
 ed

ted all Christian Princes from performing any great actions in *Europe*) from whence hee was returned, when the Crowne of England descended vpon him.

This King *Edward* the first, who was a Prince adorned with all vertues, did in the mannaging of his affayres, shew himselfe a right good husband: who being Owner of a Lordship will husbanded, doth first enclose & manure his demesnes neere his principall house, before he doth improve his waits as farre off. Therefore, he beganne first to establish the Commonwealth of England, by making many excellent Lawes, and instituting the forme of publique Iustice, which remaineth to this day. Next, hee fullie subdued and reduced the Dominion of Wales; then by his power and authoritie hee sedled the kingdome of Scotland; and lastly, he sent a royall ar-

Edward I

M

mie

mie into *Gascoigne*, to recouer the Dut-
chy of *Aquitaine*. These foure great ac-
tions, did take vp all the raign of this
Prince. And therefore, we find not in
any Record, that this King transmit-
ted any forces into Ireland; but on
the other side, wee finde it recorded
both in the Annalles, and in the Pipe-
Rolles of this kingdom, that three se-
uerall armies were raised of the Kings
subiectes in Ireland, and transported
one into *Scotland*; another into *wales*;
and the third into *Gascoigne*; and that
seuerall aydes were leuied heere, for
the setting forth of those armies.

*Archib. in Ca-
stro Dublin.*

*Annales Hiber-
nie in Camd.*

Edward 2

THE sonne and successor of this ex-
cellent Prince, was *Edward* the se-
cond, who much against his will sent
one smal armie into Ireland; not with
a purpose to finish the Conquest, but
to garde the person of his Minion,
Piers Gaueston, who being bannished
out of England, was made Lieutenant
of

of Ireland, that so his exile might seem more honourable.

He was no sooner arrived heere; but he made a journey into the Mountaines of *Dublin*; brake and subdued the Rebels there; built New-Castle in the *Pirnes* Country, and repaired *Castlekeuin*; & after passed vp into *Mountain* and *Thomond*, performing euerie where great seruice, with much Vertue and valour. But the King, who could not liue without him, reuokt him within lesse then a yeare. After which time, the inuasion of the Scots, and rebellion of the Barons, did not onely disable this King to bee a Conqueror, but depriued him both of his kingdome and life. And when the Scottissh Nation had ouer-run all this land vnder the conduct of *Edward le Bruce* (who stiled himselfe King of Ireland) England was not then able to send either men or mony to saue this Kingdome. Onely *Roger de Mortimer*

Annals Hibernie in Camden.

Archib. in Castro Dublin.

M 2

then

Manuscript
of Friar Clun.

then Iustice of Ireland, arrived at
Roughball, cum 38. milit. saith Friar Clun
in his Annalles.

Rubr. libr. Scot.
Dublin.

But Bremingham, Verdon, Stapleton,
& some other priuat Gentlemen, rose
out with the Commons of Meth and
Vriell, and at Fagber neere Dondalke, a
fatall place to the enemies of the
Crowne of England, ouerthrew a po-
tent army of them. Et sic (saith the red
Booke of the Exchequer, wherein the
victory was briefly recorded) *per ma-
nus communis populi, & dextram dei, delibe-
ratur populus dei a seruitute machinata &
p̄cogitata.*

Edward 3

IN the time of King Edward the third,
the impediments of the Conquest of
Ireland, are so notorious, as I shal not
need to expresse them; to wit, the
warre which the King had with the
Realmes of Scotland, and of Fraunce;
but especially the Warres of Fraunce,
which were almost continuall for the
space

space of fortie yeares. And indeede, France was a fairer marke to shoot at, then Ireland, & could better reward the Conqueror. Besides, it was an inheritance newly descended vpon the King; and therefore, he had great reason to bend all his power, and spend all his time and treasure, in the recovery thereof. And this is the true cause why Edward the third sent no armie into Ireland, till the 36. yeare of his raigne, when the Lorde *Lionell* brought ouer a Regiment of 1500. men, as is before expressed: which, that wise and warlike Prince did not transmit as a competent power, to make a full conquest, but as an honorable retinue for his sonne, and withall, to enable him to recover some part of his Earledome of *Wylster*, which was then ouer-run with the Irish. But on the other part, though the English Colonies were much degenerate in this kings time, and had lost a great

Annales Hibernie in Camden.

part of their possessions, yet lying at the siege of *Callis*, hee sent for a supply of men out of Ireland, which were transported vnder the conduct of the Earle of *Kildare*, and *Fulco de la Freyn*, in the yeare, 1347.

Richard 2.

AND now are we come again to the time of King *Richard* the second; who for the first tenne yeares of his raigne, was a Minor, and much disquieted with popular Commotions; and after that, was more troubled with the factions that arose betweene his Minions, & the Princes of the blood. But at last, he tooke a resolution to finish the Conquest of this Realm. And to that end he made two Royall voyages hither. Vpon the first, he was deluded by the faigned submissions of the Irish; but vpon the later, when he was fully bent to prosecute the warre with effect, he was diuerted & drawn from hence by the return of the Duke of

of *Lancaster* into England, and the generall defection of the whole realme.

AS for *Henrie* the fourth, he beeing an Intruder vpon the Crowne of England, was hindered from all forraigne actions, by sundry Conspiracies and Rebelions at home, moued by the house of *Northumberland* in the North; by the Dukes of *Surrey* & *Excester* in the South; and by *Owen Glendour* in Wales; so as he spent his short raigne in establishing and setting himselfe in the quiet possession of England, and had neyther leifure nor opportunity to vndertake the final conquest of Ireland. Much lesse could King *Henry* the fift perfourme that worke: for in the second yeare of his raigne, he transported an armie into *France*, for the recouery of that kingdome, and drewe ouer to the siede of *Harflew*, the Priour of *Kilmainebam*, with 1500. Irish. In which great action

Henrie 4.

Henrie 5.

Annales Hibernie in Camden.

on, this victorious Prince, spent the rest of his life.

Henric 6. And after his death, the two Noble Princes, his Brothers, the Duke of Bedford and Gloucester, who during the minority of King Henry the sixte, had the Government of the Kingdomes of England and France, did employ all their Counsels and endeavors to perfect the Conquest of France; the greater part whereof beeing gained by Henry the fift, & retained by the Duke of Bedford, was againe lost by K. Henrie the sixt; a manifest argument of his disability to finish the Conquest of this Land. But when the ciuill Warre betweene the two Houses was kindled; the Kings of England were so farre from reducing al the Irish vnder their Obedience, as they drew out of Ireland (to strengthé their parties) al the Nobility and Gentry descended of English race; which gaue opportuni-
tie

tie to the Irishry, to invade the Lands
of the English Colonies, and did ha-
zard the losse of the whole kingdom.
For, though the Duke of *Torke* did,
while he liued in *Ireland*, carrie him-
selfe respectiue towards all the No-
bility, to win the generall loue of all,
bearing equall fauour to the *Giraldines*
and the *Butlers* (as appeared at the
Christning of *George* duke of *Clarence*,
who was borne in the Castle of *Dub-*
lin, where he made both the Earle of
Kildare, and the Earle of *Ormond* his
Gossips:) And hauing occasion di-
uers times to passe into *England*; hee
left the sworde with *Kildare* at one
time, and with *Ormond* at another: &
when he lost his life at *wakefield*, there
were slaine with him diuers of both
those families. Yet afterwards, those
two Noble houses of *Ireland*, did seue-
rally follow the two Royall houses of
England; the *Giraldines* adhering to the
house of *Torke*, and the *Butlers* to the
N house

Hollingshead in
Hen. 6.

Manuscript of
Baron Finglas.

house of *Lancaster*. Whereby it came to passe, that not onely the principall Gentlemen of both those Sur-names, but all their friendes and dependants did passe into *England*, leauing their Lands and possessions to be ouer-run by the Irish. These impediments, or rather impossibilities of finishing the Conquest of *Ireland*, did continue till the Warres of *Lancaster* & *Yorke* were ended: which was about the 12. yeare of King *Edward* the fourth.

Thus hitherto the Kings of *England* were hindred from finishing this Conquest by great and apparant impediments: *Henrie* the second, by the rebellion of his sonnes: King *Iohn*, *Henry* the third, & *Edward* the second, by the Barons warres: *Edward* the first by his warres in *wales* and *Scotland*: *Edward* the third, and *Henry* the fift, by the warres of *France*: *Richard* the second, *Henry* the fourth, *Henrie* the sixt, and *Edward* the fourth, by Domestick contention.

tention for the Crowne of England it
 selfe.

BVt the fire of the ciuil warre being Edward 4
 vtterly quenched, and K. Edward
 the fourth settled in the peaceable
 possession of the Crowne of England,
 what did then hinder that warlicke
 Prince from reducing of Ireland also?
 First, the whole Realme of England
 was miserably wasted, depopulated &
 impouerished by the late ciuil dissen-
 tions; yet as soon as it had recovered
 it selfe with a little peace and rest, this
 King raised an Army, and reuiued the
 Title of *France* againe: howbeit, this
 Army was no sooner transmitted and
 brought into the fildes, but the two
 Kings also were brought to an inter-
 view. Whereupon, partly by the faire
 and white promises of *Lewes* the 11.
 and partly by the corruption of some
 of King Edwards Minions, the english
 forces were broken and dismissed, &
 N 2 King

King Edward returned into England, where shortly after finding himselfe deluded and abused by the French, he dyed with melancholy, and vexation of spirit.

Richard 3

[Omit to speake of Richard the Vsurper, who neuer got the quiet possession of England, but was cast out by Henry the seauenth, within two yeares and a halfe, after his Vsurpation.

Henrie 7.

AND for King Henry the seauenth himselfe, thogh he made that happy vnion of the two houses, yet for more then half the space of his raig, there were walking Spirites of the house of Yorke, aswell in Ireland as in England, which he could not coniure downe, without expence of some bloud and Treasure. But in his later times, hee did wholly studye to improve the Reuenues of the Crowne in both Kingdomes; with an intent

to

to provide meanes for some great action which he intended: which doubtlesse, if hee had liued, would rather haue improved a iourney into *Fraunce*, then into *Ireland*, because in the eyes of all men, it was a sayrer enterprize.

T Herefore King *Henry* the eight, in the beginning of his raigne, made a Voyage Royall into *France*; wherein he spent the greatest part of that treasure, which his Father had frugally reserved; perhaps for the like purpose. In the latter end of his raigne, he made the like iourney, being enricht with the Reuennewes of the Abbey Lands. But in the middle time between these two attempts, the great alteration which hee made in the State ecclesiasticall, caused him to stand vpon his guard at home; the Pope hauing solicited al the Princes of Christendom to reuenge his quarrell in that behalf. And thus was King *Henry* the eight,

Henrie 8

tained and diuerted from the absolute reducing of the kingdom of Ireland.

*K. Edward
6. and Qu.
Marie.*

Lastly, the infancie of King Edward the sixt, and the Couerture of Qu. Mary (which are both *Non abilitates* in the Lawe) did in fact disable them to accomplish the Conquest of Ireland.

Queen Elizabeth.

SO as now this great worke did remaine to be performed by Queene ELIZABETH; who though shee were diuerted by suppressing the open rebellion in the North; by preuenting diuers secret Conspiracies against her person; by giuing ayds to the French, and States of the Low-Countries; by maintaining a Nauall war with Spaine for many years together: yet the sundry rebellions, ioyned with forraign inuasions vpon this Island, whereby it was in danger to be vtterly lost, & to bee possessed by the enemies of the Crowne

Crowne of *England*, did quicken her Maiesties care for the preferuation thereof; and to that end, from time to time during her raigne, she sent ouer such supplies of men and treasure, as did suppress the Rebels, and repell the inuaders. Howbeit, before the transmitting of the last great army, the forces sent ouer by Queene *Elizabeth*, were not of sufficient power to break and subdue all the Irishry, and to reduce and reforme the whole Kingdome; but when the generall defecti-
 on came, which came not without a special prouidence for the final good of that kingdome (though the second causes thereof, were the faint prosecution of the Warre against *Tyrone*; the practises of Priests and *Mesuites*, & the expectation of the ayds frō *Spaine*) Then the extreame perill of loosing the Kingdome, the dishonor & danger that might thereby growe to the Crowne of *England*; together with a
 iust

iust disdain conceived by that great-
 minded Queene, that so wicked and
 vngratefull a Rebelle should preuaile
 against Her, who had euer been victo-
 rious against all her enemies, did
 moue, and almost enforce her to send
 ouer that mighty army: and did with-
 all enflame the hearts of the Subiects
 of *England*, chearefully to contribute
 towards the maintaining thereof, a
 Million of sterling poundes at least:
 which was done with a purpose only
 to *saue*, and not to *Gain* a kingdom;
 To keep and retaine that *Soueraignetic*,
 which the Crowne of *England* had in
Ireland (such as it was) and not to reco-
 „ uer a more absolute Dominion. But,
 „ as it falleth out many times, that when
 „ a house is on fire, the Owner to saue
 „ it from burning, pulleth it downe to
 „ the ground; but that pulling downe,
 „ doeth giue occasion of building it vp
 „ againe in a better forme: So, these last
 warres, which to saue the Kingdome
 did

did vtterly breake & distroy this people, produced a better effect then was at first expected. For, *euery Rebellion, when it is suppress, dooth make the subject weaker, and the Prince stronger.* So, this general reuolt when it was ouercom, did produce a generall Obedience & Reformation of al the Irishrie, which euer before had beene disobedient & vnreformed; & thereupon ensued the finall and full conquest of Ireland.

And thus much may suffice to bee spoken, touching the defectes in the martiall affayres, and *the weake & faint prosecution of the warre*; and of the seuerall *Impediments or imployments*, which did hinder or diuert euery King of England successiuelly, from reducing Ireland to their absolute subiection.

IT now remaineth, that wee shew *the defectes of the Ciuil Pollicy & Government*, which gau no lesse impediment to the perfection of this Conquest.

O The

^{2.}
The defectes in the ciuill pollicy & gouernment.

1. The Lawes
of England
were not giue
to the meere
Irish.

Matth. Paris
Hystor. maior.
fol. 121.

Matth. Paris
Hystor. maior.
220. b.

11. Hen. 3. pat.
m. 3.

THE first of that kinde, doeth consist in this: That the Crown of England did not from the beginning giue Lawes to the Irish; whereas to giue Lawes to a conquered people, is the principall marke and effect of a perfect Conquest. For, albeit King Henrie the second, before his returne out of Ireland, held a Counsell or Parliament at Liffemore; *Vbi Leges Angliæ ab omnibus sunt grater receptæ, & iuratoria Cautione præstita confirmatæ*, as Matth. Paris writeth;

And though King Iohn in the 12. yeare of his raigne, did establish the English Lawes and Customes heere, and placed Sheriffes and other Ministers to rule and gouerne the people, according to the Law of England: and to that end, *Ipse duxit secum viros discretos & legis peritos, quorum communi consilio statuit & præcepit, leges Anglicanas teneri in Hibernia, &c.* as wee finde it recorded among the Patent Rolles in the Tower.

Tower. 11. Hen. 3. m. 9. Though likewise, King Henrie the third did graunt & transmit the like Charter of liberties to his subiects of Ireland, as himselfe and his Father had graunted to the Subiects of England, as appeareth by another Recorde in the Tower, 1. Hen. 3. Pat. m. 13. And afterwards, by a speciall Writ, did commaund the Lord Iustice of Ireland, *Quod conuocatis Archiepiscopis, Episcopis, Comitibus, Baronibus, &c. Coram eis legi faceret Chartam Regis Iohannis: quam ipse legi fecit & iurari a Magnatibus Hibernia, de legibus & Constitutionibus Anglia obseruandis, & quod leges illas teneant & obseruent.* 12. Hen. 3. Claus. m. 8. And after that againe, the same King by Letters Patents vnder the great seale of England, did confirme the establishment of the English Lawes made by King Iohn, in this forme: *Quia pro Communis utilitate terra Hibernia, ac unitate terrarum, de Communi Consilio prouisum sit, quod omnes leges & consuetudines quae in regno Anglia tenentur, in Hibernia teneantur, & eadem terra eiusdem legibus subiaceat, ac per easdem regatur, sicut Iohan-*

30. H. 3. pat.
an. 20.

The meere Irish not admitted to have the benefit of the Lawes of England.

The meere Irish reputed Aliens.

nes Rex, cum illuc esset, Statuis & firmis mandavit; ideo volumus quod omnia brevia de Communi Jure, quæ currunt in Anglia, similiter currant in Hibernia, sub novo sigillo nostro, &c. Teste meipso apud woodstocke, &c. Which confirmation is found among the Patent Rolles in the Tower, Anno 30. Hen: 3. Notwithstanding, it is evident by all the Records of this Kingdome, that onely the English Colonies, and some few Septs of the Irishry, which were enfranchised by special Charters, wer admitted to the benefit and protection of the Lawes of England; and that the Irish generally, were held and reputed *Aliens*, or rather enemies to the Crowne of England; insomuch, as they were not only disabled to bring anie actions, but they were so farre out of the protection of the Lawe, as it was often adjudged no felony to kill a meere Irish-man in the time of peace.

That the meere Irish were reputed *Aliens*, appeareth by fundrie Records, wherein Iudgement is demanded,

ded, if they ſhall be answered in Actions brought by them : and likewise, by the Charters of Denization, which in all Ages were purchafed by them.

In the common plea-Rolles of 28. Edward the third (which are yet preserved in *Breminghams* Tower) this case is adiudged, *Simon Neal* brought an action of trespasse against *william New-lagh* for breaking his Close in *Claudal-kin*, in the County of *Dublin*; the Defendant doth plead, that the plaintiffe is *Hibernicus*, & non de *Quinque sanguinibus*; and demandeth iudgement, if he shall be answered. The Plaintiffe replieth; *Quod ipse est de quinque sanguinibus (viz.) De les Oneiles de Ulton, qui per Concessionem progenitorū Domini Regis; Libertatibus Anglicis gaudere debent & utuntur, & pro liberis hominibus reputantur.* The Defendant reioyneth; that the Plaintiffe is not of the *Oneales* of *Ulster*, *Nec de quinque sanguinibus*. And thereupon they are at yssue. Which being found for the Plaintiffe, he had

Archiv. in Castro Dublin.

*Archiv. in Ca-
stro Dublin.*

Judgement to recouer his dammages
against the Defendant. By this Record
it appeareth that five principal blouds,
or Septs, of the Irishry, were by speci-
all grace enfranchised and enabled to
take benefit of the Lawes of England;
And that the Nation of O Neales in Vi-
ster, was one of the five. And in the
like case, 3. of Edward the second, a-
mong the Plea-Rolles in *Bramingham's*
Tower: All the 5. Septs or blouds, *Qui*
gaudeant lege Anglicana quoad brevia portada, are
expressed, namely, *Oneil de Plconia*; *O Molaghlin*
de Midia; *O Connoghior de Connacia*; *O Brian de*
Thormonia; & *Mic Murrough de Lagenia*:
And yet I finde, that O Neale himselve
long after, (viz.) in 20. Ed. 4. vpon his
marriage with a daughter of the house
of *Kildare* (to satisfie the friends of the
Lady,) was made denizen by a special
Act of Parliament. 20. Ed. 4. C. 8.

Againe, in the 29. of Ed. 1. before
the Iustices in Eire at *Drogheda*, *Thomas*
le Botteler broght an action of *Detinue*
against *Robert de Almain*. for certaine
goods.

goods. The Defendant pleadeth, *Quod non tenetur ei inde respondere*; eo quod est Hibernicus, & non de libero sanguine. Et predictus Thomas dicit, quod Anglicus est, & hoc petit quod inquiratur per patriam, Ideo fiat inde Iurat. &c. Iurat dicunt super Sacrament suum, quod predictus Thomas Anglicus est, ideo consideratum est quod recuperes, &c.

Archiv. in Castro Dublin.

These two Records among many other, do sufficiently shewe, that the Irish were disabled to bring any actions at the common Lawe. Touching their denizations, they were common in euerie Kinges raigne, since Henrie the second, and were neuer out of vse, till his Maiesty that now is, came to the Crowne.

Among the Pleas of the Crown, 4. of Edw. 2. we finde a confirmation made by Edw. 1. of a Charter of Denization granted by Henrie the second, to certain Oostmen, or Easterlings, who were Inhabitantes of Waterford long before Hen. 2. attempted the conquest of Ireland. *Edwardus dei gratia, &c. Iustituario suo Hibernia Salutem: Quia per Inspectionem Chartæ*

Archiv. in Castro Dublin.

Charta Dom. Hen. Reg. filij Imperatricis quondam Dom. Hibernia proani nostri nobis Constat, quod Ostmanni de Waterford legem Anglicorum in Hibernia habere, & secundam ipsam legem Indicari & deduci debent: vobis mandamus quod Gillierist Mac Gilmurrij, Willielmum & Iohannem Mac Gilmurrij & alios Ostmannos de civitate & Comitatu Waterford, qui de predictis Ostmannis pradiet. Dam. Henr. proani nostri originem duxerunt, legem Anglicorum in partibus illis iuxta tenorem Charta pradiet. habere, & eos secundum ipsam legem (quantum in nobis est, deduci faciatis) donec aliud de Consilio nostro inde duxerimus ordinand. In cuius rei, &c. Teste meipso apud Acton Burnell. 5. Octobris anno regni nostri undecimo.

Archib. in Castro Dublin.

Againe, among the Patent Rolles of 1. Ed. the fourth, remaining in the Chancery heere, we finde a Patent of Denization, graunted the 13. of Edward the first, in these Wordes; *Edwardus Dei gratia, Rex Anglia, Dom. Hibernia, Dux Aquitania, &c. Omnibus Balliis et fidelibus suis in Hibernia. Salutem: Volentes Christophero filio Donaldi Hibernico gratiam facere specialem, concedimus pro nobis et heredibus nostris, quod idem Christopherus hanc habeat libertatem, (viz.) Quod ipse de cetero in Hibernia utatur legibus Anglicanis, et prohibemus ne quisquam contra hanc concessione nostram dictum Christopheru vexet*

vexet in aliquo vel perturbet. In cuius rei Testimonium, &c. Teste meipso apud Westm. 27. die Junij. anno regni nostri. 13.

In the same Roll, wee finde another Charter of Denization, graunted in the first of Edw. 4. in a more larger and beneficiall forme. *Edw. Dei gratia, &c. Omnibus Balliis, &c. Salutem. Sciatis quod nos volentes Willielmum O Bolgir capellanum de Hibernica Natione existentem, favore prosequi gratiofo, de gratia nostra speciali, &c. Concessimus eidem Willielmo, quod ipse liberi sit Status. et libera conditionis, et ab omni servitute Hibernicâ liber et quietus, et quod ipse legibus Anglicanis in omnibus et per omnia uti possit et gaudere, eodem modo, quo homines Anglici infra dictam terram eas habent, et is gaudent et utantur, quodq; ipse respondeat, et respondeatur, in quibuscumque Curijs nostris: ac omnimod. terras, tenementa, redditus, et servitia perquirere possit sibi et heredibus suis imperpetuum, &c.*

*Archib. in Cas-
stro Dublar.*

If I should Collect out of the Records, all the Charters of this kind, I should make a Volume thereof; but these may suffice to shew, That the meere Irish were not reputed free subiects, nor admitted to the benefit

P of

of the Lawes of England, vntill they had purchased Charters of Denization.

That the meer Irish were reputed enemies to the crowne.

Lastly, the meere Irish were not onely accompted *Aliens*, but *Enemies*; and altogether out of the protection of the Law; so as it was no capitall offence to kill them; and this is manifest by many Records. At a Gaol-delivery at waterford, before Iohn wogan Lord Iustice of Ireland, the 4. of Edw. the second, wee finde it recorded among the pleas of the Crown of that yeare, *Quod Robertus le VI^ayleys rector de morte Iohannis filij tuor Mac Gillemory felonice per ipsum interfecit, &c. Venit et benecognouit quod predictum Iohannem interfecit: dicit tamen quod per eius interfectionem feloniam committere non potuit, quia dicit quod predictus Iohannes fuit purus Hibernicus, et non de libero sanguine, &c. Et cum Dominus dicti Iohannis (cuius Hibernicus idem Iohannes fuit) die quo interfecit fuit, solutionem pro ipso Iohanne Hibernico suo sic interfecto petere voluerit, ipse Robertus paratus erit ad respondendum de solutione predicti prout Iustitia suadebit. Et super hoc venit quidam Iohannes le Poer, et dicit pro Domino Rege, quod predict.*

Archin, in Casuo Dublin.

pradiet. Iohannes filius Iuor Mac Gillemory, et antecessores sui de cognomine pradiet. a tempore quo Dominus Henricus filius Imperatricis, quondam Dominus Hibernie, Tritatus Domini Regis nunc, fuit in Hibernia, legem Anglicorum in Hibernia usque ad hunc diem habere, et secundum ipsam legem Indicari et deduci debent. And so pleaded the Charter of Denization graunted to the Oostmen recited before, All which appeareth at large in the saide Record: Wherein we may note, that the killing of an Irish man, was not punnished by our Lawe, as Man-slaughter, which is fellony and capitall, (for our Law did neither protect his life, nor reuenge his death) but by a Fine or pecuniary punishment, which is called an *Erick*, according to the *Brebon*, or Irish Law.

Againe, at a Gaol-delivery before the same Lord Iustice at *Limericke*, in the Roll of the same year, we find, that *Willielmus filius Rogeri reatus de morte Rogeri de Cauteton felonice per ipsum interfecti, venit et dicit, quod feloniam per interfectionem pradieta committere non potuit, quia dicit q. pradiet. Rogerus*

Archib. in Castro Dublin.

Hibernie. est, et nō de libero sanguine; dicit etiā qd. pradiēt. Rogerus fuit de Cognomine de Ohederiscall et non de cognonime de cautetons, et de hoc ponit se super patriam, &c. Et Iurati dicunt super Sacram. suum quod pradiētus Rogerus Hibernicus fuit et de cognonime de Ohederiscall & pro Hibernico habebatur tota vita sua. Ideo pradiēt. Willielmus quoad feloniam pradiēt. quietus. Sed quia pradiētus Rogerus Ostederiscall fuit Hibernicus Domini Regis, pradiēt. Willielmus recommitatur Gaola, quousq; plegios inuenerit de quinq; marcis soluendis Domino Regi pro solutione pradiēti Hibernici.

But on the other side, if the Iurie had found, that the party slaine had beene of English race and Nation, it had bin adiudged felony; as appeareth by a Record of 29. of Edward the first, in the Crowne-Office heere. *Coram Waltero Lensant et socijs suis Iustitiarijs Itinerantibus apud Drogheda in Comitatu Louth. Iohannes Laurens indictat. de morte Galfredi Donegal venit & non dedicit mortem pradiētam: sed dicit quod pradiēt. Galfridus fuit Hibernicus, et non de libero sanguine, et de bono et malo ponit se super patriam, &c. Et Iurat. dicunt super Sacram. suum quod pradiēt. Galfridus Anglicus fuit, et ideo pradiēt. Iohannes culpabilis est de morte Galfredi pradiēt. Ideo suspend. Catalla 13. s. unde Hugo de Clinton Vicecom. respondet.*

Hence

Archius in Casaro Dublin.

Hence it is, that in all the Parliament Rolles which are extant from the fortieth yeare of *Edward* the thirde, when the Statutes of *Kilkenny* were enacted, till the raigne of King *Henry* the eight, we finde the degenerat and disobedient English, called *Rebelles*; but the Irish which were not in the Kings peace, are called *Enemies*. *Statute Kilkenny, c. 1. 10. and 11. 11. Hen. 4. c. 24. 10. Hen. 6. c. 1. 18. 18. Hen. 6. c. 4. 5. Edw. 4. c. 6. 10. Hen. 7. c. 17.* All these Statutes, speak of *English* Rebels, and Irish *Enemies*; as if the Irish had neuer bin in condition of Subiectes, but alwaies out of the protection of the Law; and were indeede in worse case then *Aliens* of any forren Realme that was in amity with the Crowne of England. For, by diuers heauie pænnall Lawes, the English were forbidden to marry, to foster, to make Gosfippes with the Irish; or to haue anie Trade, or commerce in their Markets

*Archiv. in Cas-
stro Dublin.*

Stat. de Kilkenny c. 2. & 3.
10. Hen 6. c. 1.
28. H. 8. c. 13.

or Fayres; nay, there was a Law made no longer since, then the 28. yeare of *Henric* the eight, that the English should not marry with any person of Irish blood, though he had gotten a Charter of Denization, vnlesse he had done both homage and fealty to the King in the Chancery, and were also bound by Recognisaunce with sureties, to continue a loyall subiect. Whereby it is manifest, that such as had the Gouvernment of *Ireland* vnder the Crowne of *England*, did intend to make a perpetuall separation and enmity betweene the English and the Irish; pretending (no doubt) that the English should in the end roote out the Irish; which the English not being able to do, did cause a perpetuall Warre betweene the nations: which continued foure hundered and odde yeares, and would haue lasted to the Worlds end; if in the end of *Queene Elizabeths* raigne, the Irishry had not beene

beene broken and conquered by the Sword, And since the beginning of his Maiesties raigne, had not bin protected and gouerned by the Law.

BVt perhaps, the Irishry in former times did wilfully refuse to be subiect to the Lawes of England, and would not be partakers of the benefit thereof, though the Crowne of England did desire it; and therefore, they were reputed Aliens, Out-lawes, and enemies. Assuredly, the contrarie doth appeare, aswel by the Charters of Denization purchased by the Irish in all ages, as by a petition preferred by them to the King, Anno 2. Edward the third: desiring, that an Act might passe in Ireland, whereby all the Irishrie might be inabled to vse and inioy the Lawes of England, without purchasing of particular Denizations. Vppon which petition, the King directed a speciall Writ to the Lorde Iustice; which

The Irish did desire to bee admitted to the benefit & protection of the English Lawes, but could not obtaine it.

1 Ed. 3. claus. 17

which is found amongst the Close-Rolles in the Tower of London, in this forme; Rex dilecto & fideli suo Iohannis Darcile Nepiem Iussic. suo Hibernia, Salutem. Ex parte quorundam hominum de Hibernia nobis extitis supplicatum, ut per Statutum inde faciendum concedere velimus, quod omnes Hibernici qui voluerint, legibus usantur Anglicanis: ita quod necesse non habeant super hoc Chartas alias a nobis impetrare: nos igitur Certiorari volentes si sine alieno preiudicio promissis annuere valeamus, vobis mandamus quod voluntatem magnatum terrarum illius in proximo Parlamento nostro ibidem tenendo super hoc cum diligentia perscrutari facias: et de eo quod inde inueneritis una cum Consilio et adiutamento nobis certificetis, &c. Whereby I collect, that the great Lordes of Ireland had informed the King that the Irishry might not be naturalized, without damage and preiudice either to themselves, or to the Crowne.

But I am well assured, that the Irishry did desire to be admitted to the benefit of the Law, not onely in this petition exhibited to king Edward the third; but by all their submissions made

made to King Richard the second, and
to the Lord Thomas of Lancaster before
the warres of the two Houses; and af-
terwards, to the Lord Leonard Gray, &
Sir Anthony Saint-Leger, when K. Henry
the eight began to reforme this king-
dome. In particular, the *Birnes* of the
Mountaines, in the 34. of Henrie the 8
desire that their Countrey might bee
made Shire-ground, and called the
County of *wicklow*. And in the 35. of
Henry the eight, O Donnel doth Cote-
nant with Sir William Skeffington, *Quod*
si Dominus Rex velit reformare Hiberniam,
(whereof it should seeme hee made
some doubt) that hee and his people
would gladly bee governed by the
Lawes of England. Onely that yn-
gratefull Fraitour Tirone, though hee
had no colout or shadowe of Title to
that great lordship, but only by grant
from the Crowne, and by the Law of
England (for by the Irish Law he had
beene ranked with the meanest of his

The Counsell
Booke of Ire-
land. 34. Hen. 8

Henry 8
wrote to the
Cardinal of
Lorraine
the 15th of
June 1535

Q Sept

Sept) yet in one of his Capitulations with the State, hee required that no Sheriffe might haue iurisdiction within *Tirone*; and consequently, that the Lawes of England might not be executed there: Which request, was neuer before made by *O Neale*, or any other Lorde of the Irishry, when they submitted themselues: but contrarie-wise they were humble suitors to haue the benefit and protection of the English Lawes.

What mischief did grow by not Communicating the English Lawes to the Irish.

THis then I note as a great defect in the Ciuill policy of this kingdom, in that for the space of 350. yeares at least after the Conquest first attempted, the English lawes were not communicated to the Irish, nor the benefit and protection therof allowed vnto them, though they earnestly desired and sought the same. For as long as they were out of the protection of the Lawe; so as euery English-man might

might oppresse, spoyle, and kill them without controulment, howe was it possible they shoulde bee other then Out-Lawes & Enemies to the Crown of England? If the King would not admit them to the condition of Subjects, how could they learn to acknowledge and obey him as their Soueraigne? When they might not conuerse or Commerce with any Ciuill men, nor enter into any Towne or City without perill of their Liues, whither should they flye but into the Woods and Mountaines, and there liue in a wilde and barbarous maner? If the English Magistrates would not rule them by the Law which doth punish Treason, and Murder, & Theft with death, but leaue them to be ruled by their owne Lords and Lawes, why shoulde they not embrace their owne Breton Lawe, which punisheth no offence, but with a Fine or Encke? If the Irish bee not permitted to purchase

hought if
and blaw
odm, bndm
dnd mmm
-ag mnd
ndr, qd mmm
mnd mnd

chafe estates of Free-holds or Inheritance, which might descend to their Children, according to the course of our Common Lawe; must they not continue their custome of *Tenantie*? which makes all their possessions uncertaine, and brings Confusion, Barbarisme, and Incivility? In a word, if the English would minister in peace Governas them by the Law, nor could in Warre drive them out by the sword; must they not needes bee pricked in their eyes, and thornes in their sides, till the worlds end? and so the Conquest never bee brought to perfection.

BUt on the other side, If from the beginning, the Lawes of England had beene established, and the *Brehon* or Irish Law utterly abolished, as well in the Irish Countries, as the English Colonies; If there had been no difference made betweene the Nations in

What good would haue ensued, if the meere Irish had bin governed by the English lawes.

point

point of Iustice and protection, but al
had beene gouerned by one Equall,
Iust, and Honourable Lawe, as *Dido*
speaketh in *Virgill*; *Tros, Tyriusue mihi*
nullo discrimine habetur. If vpon the first
submission made by the Irish Lordes
to King *Henry the second*; *Quem in Re-*
gem et Dominum receperunt, saith *Matth.*
Paru; or vpon the second submission
made to King *Iohn*, when, *Plusquam* *in*
ginti Regale maximo timore perterriti boni
gintu ei fidelitatem fecerunt, as the same
Author writeth; or vpon the third
general submission made to King *Rich-*
ard the second; when they did not
only do homage & fealty, but bound
themselues by Indentures and Oaths
(as is before expressed) to becom and
continueloyall subjects to the crown
of England; If any of these three Kings,
who came each of them twice in per-
son into this kingdome, had vpon
these submissions of the Irishry, recei-
ued them all, both Lords & Tenants,

Three gene-
rall submissi-
ons of the
Irish.

Chart Q3 into

into their mediate protection, deu-
 ided their feuerall Countries into
 Counties; made Sheriffes, Coroners,
 and Wardens of the peace therein:
 sent Iustices Itinerantes halfe yearly
 into euerie part of the Kingdome, al-
 well to punish Malefactors, as to heare
 and determine causes betweene par-
 ty and party, according to the course
 of the Lawes of England; taken surren-
 ders of their Lands and territories; &
 graunted estates vnto them, to holde
 by English Tenures; graunted them
 Markets, Fayres, and other Franchi-
 ses; and erected Corporate Townes
 among them; all which, hath bin per-
 formed since his Maiesty came to the
 Crowne,) assuredly, the Irish Coun-
 tries had long since beene reformed
 and reduced to Peace, Plenty, and Ci-
 uility, which are the effects of Lawes
 and good Gouvernment: they hadde
 builded Houses, planted Orchards &
 Gardens: erected Towne-shippes, and
 made

made p^rouision for their posterities; there had beene a perfect Vnion betwixt the Nations, and consequently, a perfect Conquest of *Ireland*. For the Conquest is neuer perfect, till the war be at an end; and the war is not at an end till there be peace and vnity; and there can neuer be vnity & Concord in any one Kingdom, but where there is but one King, one Allegiance, and one Law.

TRue it is, that King *Iohn* made xii.

shires in *Leinster* & *Mounster*: namely, *Dublin*, *Kildare*, *Math*, *Vriel*, *Catherlogh*, *Kilkenny*, *VVexford*, *waterford*, *Corke*, *Limeric*, *Kerrie*, and *Tipperary*. Yet these Counties did stretch no farther then the Landes of the English Colonies did extend. In them only, were the English Lawes published and put in Execution; and in them only did the Itinerant Iudges make their circuits and visitations of Iustice, and not in the

The English Lawes were executed only in the English Colonies.

the countries possessed by the Irishry
 which contained two third partes of
 the Kingdome at least. And therefore
 King Edward the first, before the court
 of Parliament was established in Ire-
 land, did transmit the Statutes of Eng-
 land in this forme: *Dominus Rex man-*
davit Breve suum in hac verba: Edwardus Dei
gratia, Rex Anglia, Dominus Hibernie, &c. Can-
cellario suo Hibernie, Salutem. Quedam statu-
ta per nos de assensu Pralatorum, Comitū, Baronū
& Communitat. regni nostri nuper apud Lincolne,
& quadam alia statuta postmodum apud Eborum
facta, qua in dicta terra nostra Hibernia ad Com-
munem utilitatē populi nostri eiusdem terre obser-
uari volumus, vobis mittimus sub sigillo nostro,
mandantes quod statuta illa in dicta Cancellaria
nostra Custodiri, ac in rotulis eiusdem Cancellaria
irrotulari, & ad singulas placas nostras in terra
nostra Hibernie, & singulos Comitatus eiusdem
terre mitti faciatis ministris nostris placarum illa-
rum, et Vicecomitibus dictorum Comitatum, man-
dantes, quod statuta illa coram ipsis publicari & ea
in omnibus et singulis Articulis suis observari fir-
miter faciatis. Teste meipso apud Nottingham, &c
 By which Writt, and by all the Pipe-
 Rolles of that time it is manifest, that
 the Lawes of England were published
 and

Archiv. in Ca-
stro Dublin.

dispositi
et
in
no
et
et

and put in execution onely in the Counties, which were then made and limited, & not in the Irish Countries, which were neglected and left wilde, and haue but of late yeares bin deuided in one and twenty Counties more.

Againe, true it is, that by the Statute of *Kilkenny*, enacted in this kingdom, in the fortieth yeare of King Edward the thirde, the *Brehon* Law was condemned and abolished, and the vse and practise thereof made High-Treason. But this Lawe extended to the English onely, and not to the Irish: For the Lawe is penned in this forme: Item, Forasmuch as the diuersitie of Government by diuers Lawes in one Land, doth make diuersity of ligeance and debates between the people, It is accorded and established, that heereafter no Englishman haue debate with another Englishman, but according to the course of the Common Law; And that no Englishman be ruled in the definition of their debates, by the *March-Law*, or the *Brehon Law*, which by reason ought not to bee named a Law, but an euill Custome; but that they

Statut. de Kilkenny. c. 4.

R

be

be ruled as right is, by the common Lawe of the land, as the Lieges of our Soueraigne LORD the King; And if any do to the contrary, & thereof be attainted, that he be taken and imprisoned & iudged as a Traitor: And that heerafter there be no diuersity of ligeance betweene the English borne in Ireland, and the English borne in England, but that all bee called and reputed, English, and the Lieges of our Soueraigne Lord the KING, &c. This Law, was made only to reforme the degenerat English, but there was no care taken for the reformation of the meer Irish; no ordinance, no provision made for the abolishing of their barbarous Customes and manners. Inso much as the Law then made for Apparrell, and riding in Saddles, after the English fashion, is penal only to English men, & not to the Irish. But the Romaine State, which conquered so many Nations both barbarous and Ciuill; and therefore knewe by experience, the best and readiest way of making a perfect & absolute conquest, refused not to communicate their Lawes to the rude & barbarous people,

The Romaines
did communicate
their Lawes to the
nations, which
they conquered.

people, whom they had Conquered ;
neither did they put them out of
their protection, after they had once
submitted themselves. But contrary-
wise, it is said of *Iulius Caesar* : *Qua, vicit,*
victos protegit ille, manu. And againe, of
another Emperor :

Fecisti patriam diuersis gentibus vnā,
Profuit inuisis te dominante capi ;
Dumq; offers victis proprij consortia Iuris,
urbem fecisti, quod prius orbis erat.

And of Rome it selfe ;

Hæc est, in gremium victos qua sola recepit,
Humanumq; genus communi nomine fouit,
Matris, non domina, ritu ; Civesque vocavit,
Quas domuit, nexuq; pio longinquare iunxit.

Therefore (as *Tacitus* writeth) *Iulius*
Agricola the Romaine Generall in Brit-
tany, vsed this pollicy to make a per-
fect Conquest of our Ancestours, the
ancient Brittaines ; They were (sayth
he) rude, and disperfed ; and therefore

Tacitus in vita
Agricolæ.

prone vpon euery occasion to make warre, but to induce them by pleasure to quietnesse and rest, he exhorted them in priuate, and gaue them helps in common, to builde Temples, Houses, and places of publique resort. The Noblemens sonnes, hee tooke and instructed in the Liberall Sciences, &c. preferring the wits of the *Brittaines*, before the Students of *France*; as beeing now curious to attaine the Eloquence of the Romaine Language, whereas they lately reiected that speech. After that, the *Roman Attire* grew to be in account, and the *Gowne* to be in vse among them; and so by little and little they proceeded to curiosity & delicacies in Buildings, and furniture of Household; in Bathes, and exquisit Banquets; and so beeing come to the heighth of Ciuility, they were thereby brought to an absolute subiection.

Likewise,

Likewise, our Norman Conqueror, though he oppressed the English Nobility very fore, and gaue away to his seruitors, the Lands and possessions of such, as did oppose his first inuasion, though he caused all his Actes of Counsel to be published in *French*, and some legall proceedings & pleadings to bee framed and vsed in the same tongue, as a marke and badge of a conquest; yet he gouerned Al, both English and Normans, by one & the same Law; which was the auncient common Law of England, long before the Conquest. Neither did he denie any English-man (that submitted himselfe vnto him:) The benefit of that Law thogh it were against a Norman of the best ranke, and in greatest fauour (as appeared in the notable Controuersie betweene *Warren* the Norman, and *Sherburne* of *Sherburne* Castle in *Norfolke*; for the Conquerour had giuen that Castle to *warren*; yet

William the Conquerour gouerned both the Normans and the English vnder one Law.

R3

when

*Caunden in
Northfolke.*

when the Inheritors thereof, had al-
ledged before the King, that he neuer
bore Armes against him; that hee was
his subiect, as well as the other, & that
he did inherit and hold his Landes, by
the rules of that Law, which the King
had established among all his Sub-
iects; The King gaue iudgement a-
gainst *Warren*, and commanded that
Sherborn should hold his land in peace.
By this meane, him-selfe obtained a
peaceable possession of the kingdom
within few yeares; whereas, if he had
cast all the English out of his protec-
tion, and held them as Aliens and E-
nemies to the Crowne, the Normans
(perhaps) might haue spent as much
time in the Conquest of *England*, as
the English haue spent in the Con-
quest of *Ireland*.

King Edw. 1.
did communi-
cate the Eng-
lish Lawes to
the Welsh-
men.

THE like prudent course hath bin
observed in reducing of Wales;
which was performed partly by King
Edward

Edward the first, and altogether finished by King Henry the eight. For, we finde by the Statute of Rutland, made the 12. of Edward the first, when the Welshmen had submitted themselves, *De alto & Basso*, to that King, he did not reiect and cast them off, as Out-lawes and Enemies, but caused their Lawes and Customes to be examined, which were in many points agreeable to the Irish or Brebon Lawe. *Quibus diligenter auditis & plenius intellectis, quasdam illarū* (saith the King in that Ordinance) *Consilio procerum dilectimus; quasdam permisimus; quasdam correximus; ac etiā quasdam alias adiiciendas et faciend. decrevimus;* and so established a Commonwealth among them, according to the forme of the English Gouvernement. After this, by reason of the sundry insurrections of the Barons; the Warres in France; and the dissention betweene the houses of Yorke and Lancaster, the State of England, neglected or omitted

ted the execution of this Statute of *Rutland*; so as a great part of Wales grew wilde and barbarous again. And therefore King *Henrie* the eight, by the Statutes of the 27. and 32. of his reign, did revine and recontinue that Noble worke begun by King *Edward* the first; and brought it indeed to full perfection; For he vnited the Dominion of Wales, to the Crown of England, and deuided it into Shires, and erected in euery Shire, one Borough, as in England; and enabled them to send Knights & Burgesses to the Parliament; established a Court of Presidency; and ordained that Iustices of Assise, and *Gaol-deliuerie*, should make their halfe yearly Circuits there, as in England; made all the Lawes & Statutes of *England*, in force there; and among other Welsh Customes, abolished that of *Gauel-kinde*: wherby the Heyres-Females were vtterlie excluded, and the Bastards did inherit, as wel

well as the Legimate, which is the very Irish *Gauelkinde*. By means whereof, that entire Country in a short time was securely settled in peace and Obedience, and hath attained to that Civility of Manners, and plentie of all things, as now we finde it not inferiour to the best parts of *England*.

I will therefore knit vp this point with these conclusions; First, that the Kings of *England*, which in former Ages attempted the Conquest of *Ireland*, being ill aduised and counselled by the great men heere, did not vpon the submissions of the Irish, communicate their Lawes vnto them, nor admit them to the state and condition of Free-subiectes : Secondly, that for the space of 200. yeares at least, after the first arriual of *Henry* the second in *Ireland*, the Irish would gladly haue embraced the Lawes of *England*, and did earnestly desire the benefite and protection thereof; which being denied

denied them, did of necessitie cause a continuall bordering warre between the English and the Irish. And lastly, if according to the examples before recited, they had reduced as well the Irish Countries, as the English Colonies, vnder one forme of ciuil gouernment (as now they are,) the Meres & Bounds of the Marches and Borders, had beene long since worne out and forgotten, (for it is not fit, as *Cambrensis* writeth) that a King of an Islande should haue any Marches or Borders, but the foure Seas) both Nations had beene incorporated and vnited; *Ireland* had beene entirely Conquered, Planted, and Improoued; and returned a rich Reuennew to the Crowne of *England*.

Giraldus Cambrensis, lib. 2. de Hibernia expugnata.

2.
The Landes conquered from the Irish were not well distributed.

THE next error in the Ciuill pollicy which hindered the perfection of the Conquest of *Ireland*, did consist in the *Distribution* of the Landes and posses-

possessions which were wonne and conquered from the Irish. For, the *Scopes of Land* which were graunted to the first Aduenturers, were too Large; and the *Liberties* and *Royalties*, which they obtained therein, were too great for *Subiects*: though it stood with reason that they should be rewarded liberally out of the fruites of their owne Labours, since they did *Militare proprijs Stipendijs*, and receiued no pay from the Crowne of England. Notwithstanding there ensued diuers inconuiences, that gaue great impediment to the Conquest.

First, the Earle *Strangbow* was entituled to the whole Kingdom of *Leinster*; partly by Inuasion, and partly by Marriage; albeit, hee surrendered the same entirely to King *Henrie* the second his Soueraigne; for that with his license hee came ouer; and with the Ayde of his Subiects, hee had gayned

The proportions of Land graunted to the first Aduenturers, wer too large

Giraldus Cam-
brensis. lib. 2.
de Hiberniâ
expugnata.

In Archiv. Tur.
5. Edw. 3. Es-
cheat num.
70 104.

2. Johannis
Chart. m. 15 &
m. 38.

6. Johan. Chart.
m. 1.
7. Johan. Chart.
m. 12. & n. 109
6. Ed. 1. Chart.
m. 19.

18. Ed. 1. m. 29.

Girald. Cambr.
lib. 2. de Hiber-
niâ expug.

that great inheritance; yet did the K. re-grant backe againe to him and his heyres all that Prouince, referuing onely the Citty of *Dublin*, & the Cantreds next adioyning, with the Maritime Townes, and principall Forts & Castles. Next, the same King granted to *Robert Fitz-Stephen*, and *Miles Cogan*, the whole Kingdome of *Corke*, from *Lismore* to the Sea. To *Phillip le Bruce*, he gaue the whole Kingdome of *Limericke*, with the Donation and Byshoppricks and Abbeyes (except the Citie, and one Cantred of Land adioyning.) To *Sir Hugh de Lacy*, all *Meib*. To *Sir Iohn De Courcy*, all *Ulster*: to *William Burke Fitz-Adelm*, the greatest part of *Conaght*. In like manner, *Sir Thomas de Clare*, obtained a graunte of all *Thomond*; and *Otbo de Grandison* of all *Tipperary*; and *Robert le Poer*, of the territory of *Waterford*, (the Citty it selfe, and the Cantred of the Oastmen onely excepted.) And thus was all Ireland Can-

Cantonized among tenne persons of the English Nation; And thogh they had not gained the possession of one third part of the whole Kingdom, yet in Title they were Owners and Lords of all, so as nothing was left to bee graunted to the Natiues. And therefore we do not find in any Record or storie for the space of three hundred yeares, after these Aduenturers first arrived in Ireland, that any Irish Lorde obtained a grant of his Country from the Crowne, but onely the King of Thomond, who had a grant but during King Henry the third his Minority: and Rotberick O Connor, King of Conaght, to whom King Henrie the second, before this distribution made, did graunt (as is before declared.) *Vt sit Rex sub eo; & moreouer, Vt teneat terram suam Conactia ita bene & in pace sicut tenuit antequam Dominus Rex intraret Hiberniam.* And whose successour, in the 24. of Henrie the third, when the Bourkes had made

All Ireland distributed to ten persons of the English Nation.

6. H. 3. Chart. m. 2.

Houeden in H. 2. fol. 302.
Archib. turr. 17
Iohannis Chart. m. 3.

6. Iohannis Claus. m. 18.

Matth. Paris in
Henry the third.

a strong plantation there, & had wel-
ny expelled him out of his territory,
he came ouer into England, (as Matth.
Paris writeth) and made complaint to
King Henrie the third of this inuasion
made by the Bourkes vppon his Land,
insisting vppon the grauntes of King
Henrie the second, and King Iohn; and
affirming, that he had duely paide an
yearely tribute of fīue thousand marks
for his Kingdome. Whereupon, the
King called vnto him the Lord Mau-
rice Fitz-Girald, who was then Lorde
Iustice of Ireland, and President in the
Court; and commanded him that he
should roote out that vniust plantati-
on, which Hubert Earle of Kent had in
the time of his greatnesse, planted in
those parts; and wrote withall to the
great men of Ireland to remooue the
Bourkes, and to establish the King of
Conaght in the quiet possession of his
Kingdome. Howbeit I doe not read
that the King of Englands comman-
dement

dement or direction in this behalfe, was euer put in execution. For, the troth is; *Richard de Burgo* had obtained a graunt of all *Conaght*, after the death of the King of *Conaght*, then liuing. For which he gaue a thousand pounde, as the Record in the Tower reciteth, the third of *Henry 3. claus. 2.* And besides, our great English Lords coulde not endure that any Kings should raigne in Ireland, but themselues; nay, they could hardly endure that the Crown of *England* it selfe, should haue any Iurisdiction or power ouer them. For many of these Lordes, to whome our Kings had granted these petty kingdomes, did by Vertue and colour of these Grants, claime and exercise *Lura Regalia* within their Territories; insomuch, as there were no lesse the eight Counties Palatines in Ireland, at one time.

For *William Marshall*, Earle of *Pembroke*, who married the daughter and heyre

3. *Henric 3.*

The Liberties granted to the first aduenturers were too great.

8. Counties Palatines in Ireland at one time.

Annales Hibernie in Camden.

*In Archiv. Tur.
11. Edw. 3. Es-
cheat n. 28.*

*9. Countes
Palatines in
Leinster.*

heyre of *Strongbow*, being Lord of all *Leynster*, had Royall Iurisdiction thoroughout al that Prouince. This great Lord had five sonnes, and five daughters; euery of his sonnes enioyed that Seigniory successiuelly, and yet al died without Issue. Then this great Lordship was broken and diuided, & per-tition made betweene the five daughters, who were married into the Noblest Houses of *England*. The Countie of *Catberlogh* was allotted to the eldest; *Wexford* to the second; *Kilkenny* to the third; *Kildare* to the fourth; the greatest part of *Leix*, nowe called the *Queenes County*, to the fift: In euery of these portions, the Coparceners severally exercised the same Iurisdiction Royall, which the Earle Marshall and his Sonnes had vsed in the whole Prouince. Whereby it came to passe, that there were five County Palatines erected in *Leinster*. Then had the Lord of *Metb* the same Royall libertie in all that

that Territory; the Earle of *Vlster* in all that Prouince; and the Lorde of *Desmond* and *Kerry* within that County. All these appeare vppon Record, and were all as ancient as the time of King *Iohn*; onely the liberty of *Tipperrarie*, which is the onely Liberty that remaineth at this day, was granted to *James Butler* the first Earle of *Ormond*, in the third yeare of King *Edward* the third.

Archiv. in Castro Dublin.

Archiv. Turv. pat. 3. E. 3. m. 28

These absolute Palatines made Barons & Knights, did exercise high Iustice in all points within their Territories, erected Courts for Criminall and ciuill Causes, and for their owne Reuennews; in the same forme, as the Kings Courts wer established at *Dublin*; made their own Iudges, Seneshals, Sheriffes, Corroners, and Escheators; so as the Kings Writt did not run in those Counties (which took vp more then two partes of the English Colonies) but onely in the Church Lands

T lying

Archiv. in Castro Dublin.

lying within the same, which were called the *Crosse*, wherein the K. made a Sheriffe: And so, in each of these Counties Palatines, there were two Sheriffes; One, of the *Libertie*; & another of the *Crosse*: As in *Metb* we find a Sheriffe of the *Liberty*, and a Sheriffe of the *Crosse*: And so in *Wlster*, & so in *wexford*: And so at this day, the Earle of *Ormond* maketh a Sheriffe of the *Liberty*, and the King a Sheriffe of the *Crosse* of *Tipperary*. Heereby it is manifest, how much the Kinges Iurisdiction was restrained, and the power of these Lords enlarged by these High Priuiledges. And it doth further appear, by one Article among others, preferred to King *Edward* the thirde, touching the reformation of the state of *Ireland*, which we finde in the *Tower*, in these words; *Item les franchises grantees in Irelād, que sont Roialles, telles come Duresme & Cestre, vous oustont cybien de les profits, Come de graunde partie de*
Obei-

Obeissance des persons enfranchises; & en queſcū franchise est Chancellerie, Chequer & Conusans de plicas, cybien de la Coronne, come autres communes, & grantons auxi Charters de pardon; et sont souens per ley & reasonable cause seiffes en vostre main, a grand profit de vous; et leigerment restitués per maundemēt hors de Engleterre, a damage, &c. Vnto which Article, the K. made answer, Le Roy voet que les franchises que sont et seront per iuste cause prises en sa main, ne soient my restitués, auant que le Roy soit certifié de la cause de la prise de icelles. 26. Ed. 3. Claus. m. 1.

Again, these great Vndertakers, were not tied to any forme of plantation, but all was left to their discretion and pleasure. And although they builded Castles, and made Free-holders, yet were there no tenures or seruices reserved to the Crowne; but the Lords drew all the respect and dependencie of the common people, vnto *Themselves*. Nowe let vs see what inconueniences did arise by these large and ample Grants of Landes and Liberties, to the first Aduenturers in the Conquest.

The incon-
ueniences which
grew by the
large graunts
of Lands and
Liberties.

A Suredly by these Grants of whole Prouinces and pettie Kingdomes, those few English Lordes pretended to be proprietors of all the Land, so as there was no possibility left of settling the Natiues in their possessions, and by consequence the Conquest became impossible, without the vtter extirpation of all the Irish; which these English Lords were not able to doe, nor perhaps willing, if they had bin able. Notwithstanding, because they did still hope to become Lordes of those Lands which were possessed by the Irish, whereunto they pretended Title by their large Grants; and because they did feare, that if the Irish were receiued into the Kings protection, and made Liege-men and Free-subiectes, the state of *England* would establish them in their possessions by Graunts from the Crowne; reduce their Countries into Counties, ennoble some of them; and enfranchise all, and make them

them amefueable to the Lawe, which woulde haue abridged and cut off a great part of that greatneffe which they had promifed vnto themfelues: they perfwaded the King of England, that it was vnfit to Communicate the Lawes of England vnto them; that it was the beft pollicie to holde them as Aliens and Enemies, and to profecute them with a continuall warre. Heereby they obtained another Royal prerogatiue and power: which was, to make Warre and peace at their pleasure, in euery part of the Kingdome. Which gaue them an absolute Commaund ouer the Bodies, Landes, and Goods of the Englifh fubiectes heere. And besides, the Irifh inhabiting the Lands fully Conquered and reduced, being in condition of flauers and Villaines, did render a greater profit and Reuennue, then if they had bin made the Kings Free-fubiectes.

And for thefe two caufes laft ex-

T 3 preffed,

The Englifh
Lords in Ire-
land, made
war and peace
at their plea-
fure.

pressed, they were not willing to root out all the Irishry. We may not therefore meruaile, that when King Edward the third, vpon the petition of the Irish (as is before remembred) was desirous to be certified, *De voluntate magnatum suorum in proximo Parlamento in Hibernia tenend si sine alieno præiudicio cōcedere possit, quod per statut. inde fact. Hibernici vtantur legibus Anglicanis, sine chartis Regijs inde Impetrandis*, that there was neuer any Statute made to that effect. For the troth is, that those great English Lords did to the vttermost of their power, crosse and withstand the enfranchisement of the Irish, for the causes before expressed; Wherein I must stil cleare and acquit the Crown and State of England, of negligence or ill pollicy, and lay the fault vpon the Pride, Couetousnesse, & ill Counsell of the English planted heer, which in all former ages haue bin the chiefe impediments of the final Conquest of Ireland.

Againe,

A Gaine, those large scopes of Land, and great Liberties, with the absolute power to make warre and peace, did raise the English Lordes to that height of Pride and Ambition, as that they could not endure one another, but grew to a mortall warre and dissention among themselves: as appeareth by all the Records and Stories of this Kingdome. First, in the yeare, 1204. the *Lacies* of *Meth*, made Warre vpon Sir *Iohn Courcy*; who hauing taken him by treachery, sent him prisoner into England. In the yeare, 1210. King *Iohn* comming ouer in person, expelled the *Lacies* out of the Kingdome, for their tyranny and oppression of the English: howbeit, vpon payment of great Fines, they were afterward restored. In the yeare, 1228. that family beeing risen to a greater heighth (for *Hugh de Lacy* the yonger, was created Earle of *Ulster*, after the death of *Courcy* without yssue) there arose

The war and
dissention of
the English
Lordes one
with another.

Annales Hibernie in Camden.

rose dissention and warre betweene that house, and *William Marshall* Lorde of *Leinster*; whereby all *Meth* was destroyed and layd wast. In the yeare, 1164. *Sir Walter Bourke* hauing married the Daughter & heire of *Lacy*, whereby he was Earl of *Ulster* in right of his Wife, had mortall debate with *Maurice Fitz-Morice* the *Geraldine*, for certaine Lands in *Conaght*. So as all Ireland was full of Wars between the *Bourkes* and the *Geraldines* (say our *Annalles*.) Wherein *Maurice Fitz-Morice* grew so insolent, as that vppon a meeting at *Thistledermot*, he took the Lord Iustice himselfe, *Sir Richard Capell*, prisoner, with diuers Lords of *Mounster* beeing then in his Company. In the yeare, 1288. *Richard Bourke*, Earle of *Ulster*, (commonly called the Red Earle) pretending title to the Lordship of *Meth*, made warre vpon *Sir Theobald de Verdun*, and besiedged him in the Castle of *Athlone*. Againe, in the yeare, 1292.

Iohn

Iohn Fitz-Thomas the *Geraldine*, hauing by contention with the *Lorde Vesce*, gotten a goodly inheritance in *Kildare*, grew to that heighth of imagination (saith the Story) as he fell into difference with diuers great Noblemen; and among many others, with *Richard* the Red Earle, whom he took prisoner, and detained him in *Castle Ley*; and by that dissention, the English on the one side, and the Irish on the other, did waite and destroy all the Countrey.

Annales Hibernie in Camden.

After, in the yeare, 1311. the same Red Earle (comming to besiege *Bonratty* in *Thomond*, which was then held by Sir *Richard de Clare* as his inheritance) was againe taken prisoner: & all his Army (consisting for the most part of English) ouerthrown and cut in pieces, by Sir *Richard de Clare*. And after this againe, in the yeare, 1327. most of the great Houses were banded one against another, (viz:) The

Annales Iohannis Clynne. Manuscript.

Giraldines, Butlers, and Breninghams, on the one side, and the *Bourkes & Poers* on the other. The ground of the quarrell beeing none other, but that the Lord *Arnold Poer*, had called the Earle of *Kildare*, Rimer : But this quarrell was prosecuted with such malice and violence, as the Counties of *waterford* and *Kilkenny* were destroyed with fire and sword, till a Parliament was called of purpose, to quiet this dissention.

Shortly after, the Lord *John Breningham*, who was not long before made Earle of *Louth*, for that notable service which he performed vpon the Scots, betweene *Dundalke* and the *Faber*, was so extreemly enuied by the *Gernons*, *Verdons*, and others of the ancient Colony, planted in the County of *Louth*, as that in the year, 1329. they did most wickedly betray & murder that Earl, with diuers principall Gentlemen of his name and Family; vsing the same
speech

speech that the Rebellious Iewes are
saide to vse in the Gospell :

Nolumus hunc regnare super nos.

After this, the *Geraldines* and the *Butlers* being becom the most potent families in the Kingdome (for the great Lordshippe of *Leinster* was diuided among Coparceners, whose heires for the most part liued in England ; and the Earledom of *ylster*, with the lordship of *Metb*, by the match of *Lionell* Duke of *Clarence*, at last discended vpon the Crowne) had almost a continuall warre one with another. In the time of king *Henry* the sixth (saith *Baron Finglas* in his Discourse of the Decay of *Ireland*,) in a fight betweene the Earles of *Ormond* and *Desmond*, almost all the Townes-men of *Kilkenny* were slaine. And as they followed contrary parties during the Warres of *Torke* and *Lancaster*, so after that ciuil dissention ended in England, these Houses in Ireland continued their opposition

*Baron Finglas,
Manuscript.*

and feud still, even till the time of K. Henry the eight; when by the Marriage of Margaret Fitz-Gerald to the Earl of Ossory, the houses of Kildare and Ormond were reconciled, and have continued in amity ever since.

Thus these great Estates & Royalties graunted to the English Lords in Ireland, begate Pride; and Pride, begat Contention among themselvs, which broght forth diuers mischiefs, that did not only disable the English to finish the Conquest of all Ireland, but did endaunger the losse of what was already gained; And of Conquerors, made them slaues to that Nation which they did intend to Conquer. For, whensoever one English Lorde had vanquished another, the Irish waited and tooke the opportunity, & fell vpon that Country which had receiued the blow, and so daily recouered some part of the lands, which wer possessed by the English Colonies.

Besides,

Besides, the English Lords to strengthen their parties, did ally themselves with the Irish; and drew them in, to dwell among them, gaue their Children to be fostered by them; and having no other meanes to pay or reward the, suffred them to take Coigne and Livery vppon the English Freeholders; which Oppression was so intollerable, as that the better sort were enforced to quit their freeholds and fly into England; & neuer returned, though many Lawes were made in both Realmes, to remaunde them backe againe: and the rest which remained, became degenerat and meer Irish, as is before declared. And the English Lords finding the Irish exactions to be more profitable then the English Rents and seruices, & louing the Irish tyranny, which was tyed to no Rules of Law or Honor, better then a iust and lawfull Seigniory, did reiect and cast off the English Law and Go-

STATO. H. 7. c. 4

Rot. Parliam.
in castro Dublin

*Baron Finglar,
Manuscript.*

*Archib. Turr. 9.
Ed. 3. claus. m. 4*

uernment, receiued the Irish Lawes
and Customes, tooke Irish Surnames,
as *Macwilliam, Mac Pheris, Mac Yoris*,
refused to come to the Parliamentes
which were summoned by the King
of Englands Authority, and scorned
to obey those English Knights which
were sent to commaund and gouerne
this Kingdome; Namely, *Sir Richard
Capel, Sir Iohn Morris, Sir Iohn Darcie*,
and *Sir Raphe vfford*. And when *Sir An-
thony Lucie*, a man of great Authoritie
in the time of King *Edward* the thirde,
was sent ouer to reforme the notori-
ous abuses of this Kingdom, the King
doubting that he shold not be obey-
ed, directed a speciall Writt or Man-
date to the Earle of *vlfster*, and the rest
of the Nobility to assist him. And af-
terwards, the same King (vpon good
aduise and Counsell) resumed those
excessiue Grants of Lands and Liber-
ties in Ireland, by a special ordinance
made in England, which remaineth
of

of Record in the Tower, in this form:

Quia plures excessiva donationes terrarum et libertatum in Hibernia ad subdolum machinationem petentium facta sunt, &c. Rex delusorias huiusmodi machinationes volens elidere, de consilio peritorum sibi assistentium omnes donationes Terrarum et libertatum predictarum duxit renocandas, quousque de meritis donatariorum et causis ac qualitatibus donationum melius fuerit informat et ideo mandatum est Insulario Hibernie qd. seorsum faciat, &c.

Howbeit, ther followed vpon this resumption, such a diuision & faction between the English of birth, & the English of blood and race, as they summoned & held seuerall Parliaments apart one from the other. Whereuppon, there had risen a general war betwixt them, to the vtter extinguishing of the English Name and Nation in Ireland, if the Earle of Desmond, who was head of the faction against the English of birth, had not beene sent into England, and detained there for a time: yet afterwardes, these liberties beeing restored by direction out of England, the 26. of Edw. 3. complaint

was

*Archiv. Tur. 15
Ed. 3. claus. m. 4*

Annales Hibernie in Camden.

was made to the King of the easie restitution; whereunto the King made answer, as is before expressed: so as we may conclude this point with that which we finde in the *Annalles*, published by Maister Camden: *Hibernici debellati & consumpti fuissent, nisi seditio Anglicorum impediisset*. Whereunto I may adde this note, that though some are of opinion, that Grants of extraordinary Honours and Liberties made by a King to his subiects, do no more diminish his greatnesse, then when one Torch lighteth another, for it hath no lesse light, then it had before, *Quis vetat appositum lumen de lumine sumi?* Yet many times, inconueniences doe arise thereuppon: and those Princes haue held vp their Soueraignty best, which haue beene sparing in those Graunts. And truely, as these Graunts of little Kingdomes, and great Royalties, to a few priuate persons, did produce the mischiefes spoken of before: So the

true

true cause of the making of these Grants, did proceede from this; That the Kings of England beeing otherwise employed and diuerted, did not make the Conquest of *Ireland*, *their own worke*, and vndertake it not royally at their owne charge; but as it was first begun by perticular Aduenturers, so they left the prosecution thereof, to them, & other voluntaries, who came to seeke their fortunes in Ireland; wherein if they could preuayle, they thought that in reason & honor they could doe no lesse, then make them proprietors of such scopes of Land as they could conquer, people, & plant at their owne charge, reseruing only the Soueraigne Lordshippe to the Crowne of England. *But if the Lyon had gone to hunt himselfe, the shares of the Inferiour Beastes had not beene so great: If the inuasion had been made by an army transmitted, furnished, & supplied only at the kings charges, & wholly*

The first Aduenturers obtained these liberal grants, because the Kings of England did not prosecute the warre at their owne charge.

paid with the Kings Treasure, as the Armies of Queene ELIZABETH, and King *Iames* haue been; as the conquest had beene sooner atchiued, so the seruitors had beene contented with les-
ser proportions.

How the State
of Rome re-
warded their
men of warre.

*William the
Conqueror.*

For, when *Scipio*, *Pompey*, *Cæsar*, and other Generals of the *Roman* Armies, as *Subiectes* and *Seruants* of that State, and with the publicke Charge had conquered many Kingdomes & Commonweales, wee finde them rewarded with Honorable Offices and Triumphes at their returne; and not made Lords and proprietors of whol Prouinces and Kingdoms which they had subdued to the Empire of Rome. Likewise, when the Duke of *Normandy* had conquered England, which he made his owne work, and performed it in his owne person, hee distributed fundry Lordships and Mannors vnto his followers, but gaue not away whole Shires and Countreyes in demesne

measne to any of his seruitors, whom he most desired to aduance. Only, he made *Hugh Lupus* County Palatine of *Chester*; and gaue that Earledome to him and his heyres, to hold the same, *Ita liberè ad gladium, sicut Rex tenebat Angliam ad Coronam*. Whereby that Earledome indeed had a royal Iurisdiction and Seigniory, though the Landes of that Countie in demesne, were possessed for the most part by the auncient Inheritors.

Camden in Chester.

Again, from the time of the Norman Conquest, till the raigne of King Edward the first, many of our English Lords, made warre vpon the Welshmen at their owne charge; the lands which they gained they held to their owne vse, were called *Lords Marchers*, and had Royal Liberties within their Lordshippes. Howbeit, these particular Aduenturers, could neuer make a perfect Conquest of Wales.

Wales distributed to the L. Marchers.

But when King Edward the first,

X 2

came

came in person with his army thither, kept his residence and Court there; made the reducing of *wales*, an enterprize of his owne; hee finished that worke in a yeare or two, whereof the Lords *Marchers* had not performed a third part, with their continuall bordering warre, for two hundred years before. And withall we may obserue, that though this King had nowe the Dominion of Wales in *Iure proprietatis*, as the Statute of *Rutland* affirmeth; which before was subiect vnto him, but in *Iure feodali*: And though he had lost diuers principall Knights & Noblemen in that Warre, yet did he not reward his seruitors with whol Countries or Counties, but with particular Mannors and Lordships: as to *Henrie Lacy* Earle of *Lincolne*, hee gaue the Lordship of *Denbigb*; and to *Reignold Gray*, the Lordship of *Rutben*, and so to others. And if the like course had beene vsed in the winning and distributing

buting of the Landes of *Ireland*, that Island had beene fully conquered before the continent of *wales* had beene reduced. But the troth is, when Private men attempt the Conquest of Countries at their own charge, commonly their enterprizes doe perrish without successe: as when, in the time of *Queene Elizabeth*, *Sir Thomas Smith* vndertooke to recouer the *Ardes*: and *Chatterton*, to reconquer then *Fues* and *Orier*. The one lost his Sonne, and the other, Himselfe; and both their Adventures came to nothing. And as for the Crowne of England, it hath had the like fortune in the Conquest of this Land, as some purchasers haue; who desire to buy Land at too easie a Rate: they finde those cheap purchases so full of trouble, as they spende twice as much as the Land is woorth, before they get the quiet possession thereof.

And as the best pollicy was not

X 3 obser-

obserued in the distribution of the
 conquered Lands; so as I conceyue,
 that the first Aduenturers intending
 to make a full Conquest of the Irish,
 were deceiued in the choyle of the
Fittest places for their plantation. For they
 sate downe, and erected their Castles
 and Habitations in the *Plaines & open*
Countries; wher they found most fruit-
 full and profitable Lands, and turned
 the Irish into the *Woods & Mountains*:
 Which, as they were proper places for
 Out-Lawes and Theeues, so were they
 their Naturall Castles and Fortifica-
 tions; thither they draue their preyes
 and stealths; there they lurkt, and lay
 in waite to doe mischief. These fast-
 places they kept vnknowne, by ma-
 king the wayes and Entries thereun-
 to impassable; there they kept their
 Creaghts or Heardes of Cattle, liuing
 by the Milke of the Cowe, without
 Husbandry or Tillage; there they en-
 creased and multiplied vnto infinite
 numbers,

numbers by promiscuous generation
 among themselves; there they made
 their Assemblies and Conspiracies
 without discovery: But they discou-
 red the weaknes of the English dwel-
 ling in the open plaines; and there-
 upon made their sallies and retraites
 with great aduantage. Whereas, on
 the other side, if the English had buil-
 ded their Castles and Towns in those
 places of fastnesse, and had driuen
 the Irish into the Plaines and open
 Countries, where they might haue
 had an eye and obseruation vpon the,
 the Irish had beene easily kept in Or-
 der, and in short time reclaimed from
 their wildnesse; there they woulde
 haue vsed Tillage, dwelt together in
 Towne-ships, learned Mechanicall
 Arts & Sciences. The woods had bin
 wasted with the English Habitations,
 as they are about the Forts of *Maribo-*
rough and *Phillipston*, which were built
 in the fastest places in *Leinster*, and the
 wayes

wayes and passages throughout Ireland, would haue beene as cleare and open, as they are in England at this day.

The English
Lords did not
reduce the
woudes and
waits in For-
rests & Parkes.

Charta de Foresta.
c. 2. & 3.

A Gaine, if King *Henry* the second, who is said to be the K. that Conquered this Land, had made Forrests in Ireland, as he did enlarge the Forrests in England (for it appeareth by *Charta de Foresta*, that hee afforrested many woods and waits, to the Greeuance of the Subiect, which by that Lawe were disaforrested,) or if those English Lordes, amongst whom the whole Kingdome was deuided, had beene good Hunters, and had reduced the Mountaines, Bogges, and woods within the limits of Forrests, Chases, and Parkes; assuredly, the very Forrest Law, and the Law *de Malefactoribus in parcis*, would in time haue driuen them into the Plains & Countries inhabited and mannured, and haue

haue made them yeeld vppē their fast
 places to those wilde Beastes which
 were indeede lesse hurtfull and wilde,
 then they. But it seemeth straunge to
 mee, that in all the Recordes of this
 Kingdome, I seldome find any menti-
 on made of a Forrest; & neuer of anie
 Parke or Free-warren; considering
 the great plenty both of *Hert* and *Ve-*
nison within this Land; and that the
 cheefe of the Nobility and Gentry are
 discended of English race; and yet at
 this day, there is but one Parke stored
 with Deere in al this kingdom: which
 is a Parke of the Earle of *Ormonds*, neer
Kilkenny. It is then manifest, by that
 which is before expressed, that the not
 communicating of the English lawes
 to the Irish; the ouer-large Grants of
 Lands and Liberties to the English;
 the plantation made by the English
 in the Plaines and open Countreyes,
 leauing the Woods and Mountaines
 to the Irish, were great Defects in the

Y

Ciuill

The English Colonies rejected the English lawes and customes, and embraced the Irish.

Ciwill pollicy, and hindered the perfection of the Conquest verie much. Howbeit, notwithstanding these Defects and Errours, the English Colonies stood and maintained themselvs in a reasonable good estate, as long as they retained their owne auncient Lawes and Customes, according to that of *Ennius: Moribus antiquis res stat. Romana virisq.* But when the ciuil Government grew so weake & so loose, as that the English Lords, would not suffer the English Lawes to be put in execution within their Territories & Seigniories, but in place therof, both they and their people, embraced the Irish Customes: Then the estate of things, like a *Game at Irish*, was so turned about, as the English, which hoped to make a perfect Conquest of the Irish, were by them perfectly and absolutely conquered; because *Victi victoribus leges dedere. A iust punishment to our Nation, that wold not giue Lawes to the Irish*

Irish when they might: and therefore *move*
the Irish gave Lawes to them. Therefore,
this Defect and failing of the English
Iustice, in the English Colonies; and
the inducing of the Irish Customes in
lieu thereof, was the maine impediment
that did arrest and stoppe the
course of the Conquest; and was the
only meane that enabled the Irishrie
to recouer their strength againe.

FOR, if wee consider the Nature of
the Irish Customes, wee shall finde
that the people which doth vse them,
must of necessitie bee Rebelles to all
good Gouvernement, destroy the com-
monwealth wherein they liue, and
bring Barbarisme and desolation vp-
on the richest and most fruitfull Land
of the world. For, whereas by the iust
and Honourable Law of England, &
by the Lawes of all other well-gouer-
ned Kingdomes and Commonweals,
Murder, Man-slaughter, Rape, Rob-

Y 2

bery,

The nature of
the Irish Cu-
stomes.

The Irish laws
and Customs,
differing from
the Lawes &
Customs of al
ciuill Nations

The Irish Law
in Criminall
causes.

bery, and Theft, are punnished with death; By the Irish Custome, or *Bre-bon Law*, the highest of these offences was punished onely by Fine, which they called an *Ericke*. Therfore, when *Sir William Fitz-williams*, (being Lord Deputy) told *Maguyre* that hee was to send a Sheriffe into *Fermaunagh*, being lately before made a County; your Sheriffe (saide *Maguyre*) shall be welcome to me, but let me knowe his *Ericke*, or the price of his head afore hand; that if my people cut it off, I may cut the *Ericke* vpon the Countrey. As for Oppression, Extortion, & other trespasses, the weaker had neuer anie remedy against the stronger: whereby it came to passe, that no man could enioy his Life, his Wife, his Lands or Goodes in safety; if a mightier man then himselfe had an appetite to take the same from him. Wherein they were little better then *Canniballes*, who doe hunt one another; and hee that hath

hath most strength and swiftnes, doth
 eate and deuoure all his fellowes,

Againe, in England, and all well
 ordered Common-weales, men haue
 certaine estates in their Lands & pos-
 sessions, and their inheritances dis-
 cend from Father to Son, which doth
 giue them encouragement to builde,
 and to plant, and to improoue their
 Landes, and to make them better for
 their posterities. But by the Irish Cu-
 stome of *Tanistry*, the Cheefestanes of
 euery Countrey, and the chiefe of e-
 uery Sept, had no longer estate then
 for life in their Cheeferies, the inheri-
 tance whereof, did rest in no man.
 And these Cheeferies, though they
 had some portions of Lande allotted
 vnto them, did consist chiefly in cut-
 tings and Cosheries, and other Irish
 exactions, whereby they did spoyle
 and impouerish the people at their
 pleasure. And when their Chieftanes
 were dead, their sonnes or next heires

The Irish Cu-
 stome of *Tani-
 stry*.

The Irish Cu-
stome of Ga-
uelling.

did not succcede them, but their *Tanistes*, who were Electiue, and purchas-
ed their elections by strong hande;
And by the Irish Custome of Gauell-
kinde, the inferiour Tennanties were
partible amongst all the Males of the
Sept, both Bastards and Legittimate:
and after partition made, if any one of
the Sept had died, his portion was not
diuided among his Sonnes, but the
cheefe of the sept, made a new parti-
tion of all the Lands belonging to that
Sept, and gaue euerie one his part ac-
cording to his antiquity.

The mischiefs
that arise by
these two Cu-
stomes.

THese two Irish Customes made all
their possessions vncertain, being
shuffled, and changed, and remoued
so often from one to another, by new
elections and partitions; which vn-
certainty of estates, hath bin the true
cause of such Desolation & Barbarism
in this land, as the like was neuer seen
in any Countrey, that professed the
name

the name of Christ. For, though the Irishry be a Nation of great Antiquity, and wanted neither wit nor valour; and though they had receiued the Christian Faith, about 1200. yeares since; and were Louers of Musicke, Poetry, and all kinde of learning; and possessed a Land abounding with all things necessary for the Ciuill life of man; yet (which is strange to bee related) they did neuer builde any houses of Bricke or stone (some few poor Religious Houses excepted) before the raigne of King *Henrie* the second, though they wer Lords of this Island for many hundred yeares before, and since the Conquest attempted by the English: Albeit, when they sawe vs builde Castles vppon their borders, they haue only in imitation of vs, erected some few piles for the Captaines of the Country: yet dare boldly say, that neuer any particuler person, eyther before or since, did builde any stone

stone or bricke house for his private Habitation; but such as haue latelie obtained estates, according to the course of the Law of England. Neither did any of them in all this time, plant any Gardens or Orchards, Inclose or improoue their Lands, liue together in settled Villages or Townes, nor made any prouision for posterity; which being against all common sense and reason, must needs bee imputed to those vnreasonable Customes, which made their estates so vncertaine and transitory in their possessions.

For, who would plant or improoue, or build vppon that Land, which a stranger whom he knew not, should possesse after his death? For that (as *Salomon* noteth) is one of the strangest Vanities vnder the Sunne. And this is the true reason why *Ister*, and all the Irish Countries are found so wast and desolate at this day; and so wold they continue till the worlds end, if these

Customes were not abolished by the Law of England.

Againe, that Irish Custom of Gavel-kinde, did breede another mischief; for thereby, euery man being borne to Land, aswell Bastard, as Legitimate, they al held theselues to be *Gentlemen*. And though their portions were neuer so small, and them-selues neuer so poor (*For Gavelkind must needs in the end make a poore Gentility,*) yet did they scorn to discend to Husbandry or Marchandize, or to learn any Mechanicall Art or Science. And this is the true cause why there were neuer any Corporate Towns erected in the Irish Countries. As for the Maritime Citties and Townes, most certaine it is, that they were built and peopled by the *Ostmen* or *Easterlings*: for the natives of Ireland neuer perfourmed so good a worke, as to build a City. Besides, these poore Gentlemen were so affected vnto their small portions of

Z Land,

Land, as they rather chose to liue at home by Theft, Extortion, and Cofhering, then to seeke any better fortunes abroad : which encreased their *Septs* or *Syrnames* into such numbers, as there are not to bee found in anie Kingdome of *Europe*, so many Gentlemen of one Blood, Familie, and Syrname, as there are of the *O Neales* in *Vlster*; of the *Bourkes*, in *Conaght*; of the *Geraldines*, and *Butlers*, in *Munster* & *Leinster*. And the like may be saide of the Inferiour Bloodes and Families; whereby it came to passe in times of trouble & Dissention, that they made great parties and factions adhering one to another, with much constancie; because they were tyed together, *Vinculo sanguinis*; whereas Rebels and Malefactors which are tyed to their Leaders by no band, either of Dutie or Blood, do more easly breake and fall off one from another. And besides, their Coe-habitation in one Coun-

Countrey or Teritory, gaue them opportunity suddenly to assemble, and Conspire, and rise in multitudes against the Crowne. And euen now, in the time of peace, we finde this inconuenience, that ther can hardly be an indifferent triall had betweene the King & the Subiect, or between partie and partie, by reason of this generall Kindred and Consanguinity.

BVt the most wicked and mischeuous Custome of all others, was that of *Coigne* and *Liuery*, often before mentioned; which consisted in taking of *Mansmeate*, *Horsemeat*, & *Money*, of all the inhabitants of the Country, at the will and pleasure of the soldier, who as the phrase of Scripture is, *Did eate vp the people as it were Bread*; for that he had no other entertainment. This Extortion was originally Irish, for they vsed to lay *Bonaght* vppon their people, and neuer gaue their Soldier

The wicked
Customes of
Coigne and *Liuery*.

The mischiefs
that did arise
by Coigne &
Liuary.

any other pay. But when the English had Learned it, they vsed it with more insolency, and made it more intollerable; for this oppression was not temporary, or limited either to place or time; but because there was euery where a continuall warre, either Offensive, or Defensive; and euery Lord of a Countrey, and euery Marcher made warre and peace at his pleasure; it became Vniuerfall and Perpetuall; and was indeede the most heauy oppression, that euer was vsed in any Christian or Heathen Kingdom. And therefore, *Vox Oppressorum*, this crying sinne, did drawe downe as great, or greater plagues vppon Ireland, then the oppression of the *Isralites*, did draw vpon the Land of *Egypt*. For the plagues of *Egypt*, though they were grievous, were but of a short continuance. But the plagues of *Ireland*, lasted 400. yeares together. This extortion of Coigne and Liuary, did produce

two

two notorious effects. First, it made the Land wast; Next, it made the people, ydle. For, when the Husbandman had laboured all the yeare, the soldier in one night, did consume the fruites of all his labour, *Longiq; perit labor irritus anni.* Had hee reason then to manure the Land for the next yeare? Or rather might he not complaine as the Shepherd in *Virgil*:

The cause of
Idlenesse in
the Irish.

*Impius hæc tam culta noualia miles habebit?
Barbarus has segetes? En quo discordia Cives
Perduxit miseros? En queis cõsevimus agros?*

AND heereupon of necessity came depopulation, banishment, & extirpation of the better sort of subiects; and such as remained became ydle, and lookers on, expecting the euent of those miseries and euill times: So as this extreame Extortion and Oppression, hath beene the true cause of the Idlenesse of this Irish Nation; and
that

Why the Irish
are Beggers
in forraigne
Countreyes.

Why the Irish
are reputed a
crafty people.

Why the Irish
are inquisitiue
after Newes.

that rather the vulgar sort haue chosen to be Beggers in forraigne Countreyes, then to manure their own fruitfull Land at home.

Lastly, this oppression did of force and necessity make the Irish a craftie people: for such as are oppressed and liue in slavery, are euer put to their shifts; *Ingenium mala sepe mouent*; And therefore, in the olde Comedies of *Plantus & Terence*, the Bondslaue doth alwayes act the cunning and Craftie part. Besides, all the Common people haue a whyning tune or Accent in their speech, as if they did still smart or suffer some oppression. And this Idlenessse, together with feare of imminent mischiefes, which did continually hang ouer their heads, haue bin the cause, that the Irish wer euer the most inquisitiue people after newes, of any Nation in the world. As *S. Paule* himselfe made obseruation vpon the people of *Athens*; that they were an ydle people,

people, and did nothing but learne and tell Newes . And because these Newes-Carriers, did by their false intelligence, many times raise troubles and rebellions in this Realm, the Statute of *Kilkenny*, doth punish Newes-tellers (by the name of *Skelaghes*) with Fine and ranfome.

This Extortion of *Coigne* and *Lit-
nery*, was taken for the maintenaunce of their men of warre; but their Irish exactions extorted by the Chieftanes and *Tanists*, by colour of their barbarous Seigniory, were almost as grievous a burthen as the other; namely, *Cosberings*, which were visitations and progresses made by the Lord and his followers, among his Tenants: wherein he did eate them (as the English Proverbe is) *Out of house and home*. *Sesings* of the *Kerne*, of his family, called *Kernety*, of his Horfes & Horf-boyes; of his Dogges and Dog-boyes, and the like: And lastly, *Cuttings*, *Tallages*,
or

or *Spending*s, high or low, at his pleasure; all which, made the Lorde an absolute Tyrant, and the Tennant a verie slaue and villain; and in onerspect more miserable then Bondslaues. For commonly the Bondslaue used by his Lord, but heere the Lord was fedde by his Bondslaue.

Lastly, there were two other Customes proper and peculiar to the Irishry, which being the cause of many strong combinations and factions do tend to the vtter ruine of a Commonwealth: The one, was *Fostering*; the other, *Gosspred*; both which haue euer bin of greater estimation among this people, then with any other Nation in the Christian world. For *Fostering*, I did neuer heare or read, that it was in that vse or reputation in anie other Countrey, Barbarous or Ciuill, as it hath beene, and yet is, in *Ireland*: where they put away al their children to Fosterers: the potent & rich men
Selling;

Selling; the meaner sort *Buying*, the alteration of their Children; and the reason is, because in the opinion of this people, *Fostering* hath alwayes beene a stronger alliance then *Bloud*; and the Foster-Children doe loue and are beloued of their foster-fathers and their Sept, more then of their owne natural Parents and Kindred; and do participate of their meanes more frankly, and doe adhere vnto them in all fortunes, with more affection & constancy. And though *Tully* in his Book of Friendship doth obserue, that children of Princes being sometimes in cases of necessity for sauing of their liues deliuered to Shepheards to be nourished and bred vp, when they haue bin restored to their great fortunes, haue still retained their loue and affection to their Fosterers, whom for manie yeares they tooke to be their Parents: yet this was a rare case, and few examples are to be found thereof.

A a

But

But such a generall Custome in a Kingdome, in giuing and taking children to Foster, making such a firme Alliance as it doth in *Ireland*, was neuer seene or heard of, in any other Countrey of the world besides.

Gossiped.

THE like may be said of *Gossiped* or *Compternitie*, which though by the Canon Law, it be a spirituall affinity, and a lutor that was Gossip to either of the parties, might in former times haue bin challenged, as not indifferent by our Law, yet there was no nation vnder the Sun, that euer made so Religious accompt thereof, as the Irish.

Now these two Customs, which of themselues are indifferent in other Kingdomes, became exceeding euill and full of mischief in this Realm, by reason of the inconueniences which followed thereupon. For, they made (as I saide before) strong parties and factions,

factions, whereby the great men were enabled to oppresse their Inferiours, and to oppose their Equals: and their followers were borne out and countenanced in all their lewde and wicked actions: For Fosterers & Gossips by the common Custome of Ireland, were to maintaine one another in all causes lawfull, and vnlawfull; which as it is a Combination and Confederacy punishable in all well-gouerned Common-weales, so was it not one of the least causes of the common misery of this Kingdome.

I omit their common repudiation of their Wiues; their promiscuous generation of Children; their neglect of lawfull Matrimony; their vncleaneffe in Apparrell, Diet, & Lodging; and their contempt and scorne of all thinges necessary for the Ciuill life of man.

These were the Irish Customes, which the English Colonies did embrace

How the English Colonies became degenerate.

brace and vse, after they had reiected the Ciuill and Honorable Lawes and Customes of *England*, whereby they became degenerate and metamorphosed like *Nabuchadnezzar*; who although he had the face of a man, had the heart of a Beast; or like those who had drunke of *Circes* Cuppe, and were turned into very Beasts; and yet tooke such pleasure in their beastly manner of life, as they would not returne to their shape of men againe: Insomuch as within lesse time then the Age of a man, they had no markes or differences left amongst them of that Noble nation, from which they were descended. For, as they did not only forget the English Language, & scorne the vse thereof, but grew to bee ashamed of their very English Names, though they were Noble and of great Antiquity; and tooke Irish Surnames and Nick-names. Namely, the two most potent families of the *Bourkes* in

in *Conaght* (after the house of the Red Earle failed of *Heyres-males*) called their Cheefes, *Mac william Eighter*, and *Mac william Oughter*. In the same Province, *Bremingham*, Baron of *Asbenrie*, called himselfe *Mac Foris*. *Dexcester*, or *De' exon*, was cald *Mac Iordan*; *Mangle* or *de Angulo*, took the name of *Mac Costelo*. Of the Inferior families of the *Bourkes*, one was called *Mac Hubbard*, another *Mac David*. In *Munster*, of the great Families of the *Geraldines* planted there, One was called *Mac Morice* chiefe of the house of *Lixnow*; and another, *Mac Gibbon*, who was also called the *white Knight*. The chiefe of the Baron of *Dunboyne's* house, who is a branch of the house of *Ormond*, tooke the Surnames of *Mac Phehrs*. *Condon* of the Countie of *waterford*, was called *Mac Maioge*: and the Arch-Deacon of the Countie of *Kilkenny*, *Mac Odo*. And this they did in contempt and hatred of the English Name and Nation;

of these degenerate families became more mortal enemies, then the meere Irish. And whereas the state and Government beeing growne weake by their defection, did to reduce them to Obedience, grant them many protections and Pardons (*The cheapenesse whereof, in all ages, hath brought great dishonor and damage to this Commonweal*) they grew so vngratefull and vnnatural, as in the end they scorned that grace & fauour, because the acceptance thereof, did argue them to be subiects, and they desired rather to bee accounted Enemies, then Rebels to the Crowne of England.

*Alb. libr. Scacc.
Dublin.*

Heereupon was that olde Verse made, which I finde Written in the White Booke of the Exchequer, in a hand as auncient as the time of King Edward the third.

*By granting Charters of peas,
To false English withouten les,
This Land shall be much vndoo.*

But

*But Gossipred, and alserage,
And leeing of our Language,
Haue mickely help theretoo.*

And therefore, in a close Roll in the Tower, bearing this Title; *Articuli in Hibernia obseruandi*: we finde these two Articles among others. 1. *Iusticiarius Hibernia non concedat perdonationes de morte hominis, nec de Roberijs, seu incendijs, & quod de cetero certificet dominum regem de nominibus peccentium.* 2. *Item, Quod nec Iusticiarius nec aliquis Magnas Hibernia concedat protectiones alicui contra pacem Regis existens. &c.* But now it is fit to looke backe and consider when the old English Colonies became so degenerate; and in what Age they fell away into that Irish barbarisme, reiecting the English lawes and Customes. Assuredly, by comparing the ancient Annalles of *Ireland* with the Records remaining heere, & in the Tower of London, I do find that this generall defection, fell out in the latter end of the raign of king Edward the second, and in the beginning of the

9. Ed. 3. m. 25.

When & how
the English
Colonies be-
came degene-
rate.

The Scots o-
uerrun *Iceland*

the raigne of King *Edward* the thirde. And all this great innovation, grewe within the space of thirty years: within the compasse of which time, there fell out diuers mischieuous accidents, whereby the whole kingdome was in a maner lost. For first, *Edward de Bruce* inuaded *Ireland* with the Scottish Army, and preuailed so farre, as that he possessed the Maritime parts of *vsster*, marched vp to the walles of *Dublin*, spoiled the English Pale, passed thorough *Leinster* and *Munster*, as farre as *Limericke*, and was Maister of the field in euery part of the kingdome.

*Annales Hiber-
nie in Camden.*

This hapned in the tenth yeare of King *Edward* the second, at what time the Crowne of *England* was weaker, & suffred more dishonor in both kingdomes, then it did at any time since the *Norman* Conquest. Then did the State of *England* send ouer *Iohn de Hotbam* to be Treasurer heere, with commission to call the great Lords of *Ireland*

land together, and to take of them an Oath of Association, that they should loyally ioyne together in life & death to preserve the right of the King of England, and to expell the common enemy. But this Treasurer brought neither men, nor money, to performe this service.

At that time, though *Richard Bourk* Earle of *Ulster* (commonly called the Redde-Earle) were of greater power then any other subiect in *Ireland*, yet was he so farre stricken in yeares, as that hee was vnable to mannage the martiall affaires, as he had done during all the raigne of King *Edward* the first: hauing bin Generall of the Irish forces, not only in this kingdom, but in the Wars of *Scotland*, *wales*, and *Gascoigne*. And therefore, *Maurice Fitz-Thomas* of *Desmond*, beeing then the most actiue Nobleman in this realm, tooke vpon him the chiefe command in this Warre: for the support where-

Bb of,

Desmond
cheefe Com-
mander in the
warre against
the Scots.

of, the Reuennue of this Lande, was farre too short, and yet no supply of Treasure was sent out of England.

When & how
the extortion
of Coign and
Livery began
among the
English.

Then was there no mean to maintain the Army, but by Selling the soldiers vppon the Subiect, as the Irish were wont to impose their *Bonaught*. Whereupon, grewe that wicked Extortion of *Coigne* and *Liuerie* spoken of before, which in short time banished the greatest part of the Free-holders out of the County of *Kerris*, *Limerick*, *Corke*, and *waterford*; Into whose possessions, *Desmond* and his Kinsmen, Alies, and Followers, which were then more Irish then English, did enter and appropriate these Lands vnto themselves, *Desmond* himselfe taking what scopes hee best liked for his demesnes in euery Countrey, and reseruing an Irish Seigniory out of the rest. And heere, that I may verifie & maintaine by matter of Record, that which is before deliuered touching the Nature

ture of this wicked Extortion, called *Coigne and Liury*; and the manifold mischiefs it did produce, I thinke it fit and pertinent to insert the preambule of the Statute of the 10. of Henry 7. c. 4. not printed, but recorded in Parliament Rols of Dublin, in these words:

At the request & supplication of the Commons of this Land of Ireland, that where of long time there hath bin used and exacted by the Lords and Gentlemen of this Land, many and diuers damnable customs & vsages, which bin called Coigne, and Liury, and Pay; that is, Horsemeat, and Mansmeat, for the finding of their Horsmen and Footmen; and ouer that, 4.d. or 6.d. daily to euery of them to be had and paide of the poore Earth-Tillers, and Tenants, inhabitants of the saide Land, without any thing doing or paying therefore. Besides, manie Murders, Robberies, Rapes, & other manifold extortions & oppresions by the saide Horsmen and Footmen, dayly and mightily committed & done; which bin the principall causes of the desolation & destruction of the saide Land, & hath brought the same into Ruine and Decay, so as the most part of the English Free-holders and Tenants of this land bin departed out thereof, some into the Realme of England, and other some to other strange Landes; whereupon the foresaide Lordes and Gentlemen of

this Land, haue intruded into the saide Free-holders and Tenants inheritances; and the same keepeth and occupieth as their owne inheritances; and setten vnder them in the same Land the Kings Irish Enemies, to the diminishing of Holie Churches Rites; the disherison of the King, & his obedient subiects, and the vtter ruine and desolation of the Land. For reformation whereof, he is enacted, That the King shall receiue a Subsidie of 26.s. 8.d. out of euerie 120. acres of arrable land manured, &c. But to return to Tho: Fitz-Maurice of Desmond; By this extortion of Coigne and Liury, he suddenly grewe from a meane, to a mighty estate; insomuch as the Baron Finglas in his discourse of the Decay of Ireland, affirmeth; that his ancient inheritance beeing not one thousand markes yearly, he became able to dispend euery way, ten thousand pounds, per annum.

These possessions being thus vnlawfully gotten, could not bee maintained by the iust and honorable law of England, which would haue restored the true Owners to their Land againe. And therefore, this Great man
found

found no meanes to continue & uphold his ill-purchased greatnesse, but by reiecting the English Law & Government, and assuming in lieu thereof, the barbarous customs of the Irish. And heereupon, followed the defection of those foure shires, containing the greatest part of *Munster*, from the obedience of the Law.

In like manner (saith Baron *Finglas*) the Lord of *Tipperary* perceiuing how well the house of *Desmond* hadde thrived by *Coigne* and *Liuerie*, and other Irish exactions) began to holde the like course in the Counties of *Tipperary* and *Kilkenny*; whereby he got great scopes of Land, specially in *Ormond*; and raised many Irish exactions vpon the English Free-holders there; which made him so potent & absolut among the, as at that time they knew no other Lawe, then the will of their Lord. Besides, finding, that the Earle of *Desmond* excluded the ordinary Mi-

nisters of Iustice, vnder colour of a Royall Liberty, which he claimed in the Counties of Kerry, Corke, and waterford, by a graunt of King Edward the first (as appeareth in a *Quo warranto*, brought against him, Anno 12. Edw. 1.) the Record wherof, remaineth in *Breminghams Tower*, among the common Plea-Rolles there.

This Lord also, in the third of Edward the thirde, obtained a Graunt of the like Liberty in the County of *Tipperary*, whereby he got the Lawe into his owne hands, & shut out the Common Law and Iustice of the Realme.

And thus we see, that all *Munster* fell away from the English Lawe and Gouernment, in the end of King Edward 2. his raigne; and in the beginning of the raigne of King Edward the third. Againe, about the same time, (viz:) in the 20. yeare of King Edward the second, when the State of *England* was well-ny ruined by the Rebellion of

of the Barons, and the Gouvernement of Ireland vtterly neglected, there arose in *Leinster*, one of the *Cauanaghes*, named *Donald Mac Art*, who named himselfe *Mac Murrogh*, King of *Leinster*, and possessed himselfe of the Countie of *Catherlogh*, and of the greatest part of the County of *wexford*. And shortly after, *Lisagh O Moore*, called himselfe *O Moore*, tooke 8. Castles in one Evening, destroyed *Dunamase* the principall house of the *L. Mortimer* in *Leix*, recouered that whole Countrey, *De seruo Dominus, de subiecto princeps effectus*, saith *Friar Clynne* in his *Annalles*.

Besides, the Earle of *Kildare*, imitating his Cosin of *Desmond*, did not omit to make the like vse of *Coigne & Liuary* in *Kildare*, and the West part of *Meth*, which brought the like Barbarisme into those parts. And thus a great part of *Leinster* was lost, and fell away from the Obedience of the Crowne, neere about the time before expressed.

Againe,

The rising of
Mac Murrogh,
and *O Moore*
in *Leinster*.
Annales Hiber-
nia in Camden.

Annales Ioban.
Clynne. Manus.

The defect
and losse of a
great part of
Leinster.

The Earle of
Ulster murde-
red.

Annales Iohann.
Clynne's Manus.

The Earldom
of Ulster re-
covered by
the Irish.

Againe, in the seauenth year of King Edward the third, the Lord *William Bourke*, Earle of *Ulster*, and Lorde of *Conaght*, was treacherously murdered by his owne Squires at *Knockfergus*, leauing behinde him, *Vnicam & vnus anni filiam* (saith Friar Clynne.) Immediately vpon the murder committed, the Countesse with her yong daughter, fledde into England; so as the Gouernment of that Countrey, was wholly neglected, vntil, that young Ladie beeing married to *Lionell Duke of Clarence*, that Prince cam ouer with an Army, to recouer his wiues inheritance, and to reforme this Kingdom, Anno 36. of Edward the third. But in the meane time, what became of that great inheritance both in *Ulster* & *Conaght*? Assuredly, in *Ulster*, the Sept of *Hugh Boy O Neal*, then possessing *Glauconkeyn* and *Killeighbtra* in *Tyrone*, tooke the opportunity; and passing ouer the *Banne*, did first expell the English out of

of the Barony of *Tuscard*, which is now called the *Rout*; and likewise, out of the *Glynn*es and other Lands vp as farre as *Knockfergus*, which Countrey or extent of Lande, is at this day called, the lower *Clan Hugh-Boy*. And shortly after that, they came vp into the great *Ardes*, which the Latine writers call, *Altitudines Vltionie*, and was then the inheritaunce of the *Sauages*; by whom, they were valiantly resisted for diuers yeares: but at last, for want of Castles and fortifications (for the saying of *Henrie Sauage* mentioned in euery Story, is very memorable; That a Castle of *Bones*, was better then a Castle of *Stones*) the English were ouer-run by the multitude of the Irish: So as about the thirtieth of K. *Edw.* 3. some few yeares before the arriual of the Duke of *Clarence*, the *Sauages* were vtterly driuen out of the Great *Ardes*, into a little nooke of land neer the Riuer of *Strangford*; where they

Abridgement
of *Salus populi*.
Manuscript.

Baron Fitzgals,
Manuscript.

Annales Hibernie in Camden.

now possesse a little Territory, called the little *Ards*; and their greater patrimony tooke the name of the vpper *Clan Hugh-Boy*, from the Sept of *Hugh-Boy O Neale*, who became Inuaders thereof.

The defectiō
of Conaght.

FOR Conaght, some yonger branches of the Family of the *Bourkes*, being planted there by the Red-Earle & his Ancestors, seeing their Chiefe. to bee cut off, and dead without Heire-male, and no man left to gouern or protect that Prouince, intruded presently into all the Earles Lands, which ought to haue bin seized into the kings handes, by reason of the minoritie of the heire. And within a short space, two of the most potent among them, diuided that great Seigniory betwixt the: the one taking the name of *Macwilliam Oughter*; and the other of *Macwilliam Fighter*; as if the Lord *William Bourk* the last Earle of *Ulster*, had lefte two sonnes

Baron *Finglas*,
Manuscript.

sonnes of one name behinde him to inherit that Lordship in course of Gavelkinde. But they well knewe, that they were but Intruders vpon the Kings possession during the minority of the heire; they knew those lands were the rightfull inheritance of that young Lady; and consequently, that the Law of England would speedily euiet them out of their possession; & therefore, they held it the best policy to cast off the yoake of English Law, and to become meere Irish: and according to their example, drew al the rest of the English in that Prouince, to do the like; so as from thenceforth they suffered their possessions to run in course of *Tanistry* and *Gavel-kinde*. They changed their names, language, and apparrell, and all their ciuil manners and Customes of liuing. Lastly, about the 25. yeare of King *Edward* the third, Sir *Richard de Clare* was slaine in *Thomond*, and al the English Colonies

Annales Hibernie in Camden.

there, vtterly supplanted.

Thus in that space of time, which was betweene the tenth yeare of king *Edward* the second, and the 30. yeare of King *Edward* the third (I speak within compasse) by the concurrence of the mischiefes before recited, all the old English Colonies in *Munster*, *Conaght*, and *Ulster*; & more then a third part of *Leinster*, became degenerat, & fell away from the Crowne of England; so as onely the foure Shyres of the English Pale, remained vnder the Obedience of the Lawe; and yet the Borders and Marches thereof, were growne vnruely, and out of order too, being subiect to *Blacke-Rents* and *Tribute* of the Irish; which was a greater defection, then when tenne of twelue Tribes departed, and fell away from the Kings of *Iuda*.

What courses
haue bin take
to reforme
this kingdom,
since the Eng-
lish Colonies
became de-
generate.

But was not the State of England sensible of this losse and dishonour? Did they not endeuor to recouer the
Land

Land that was lost, and to reduce the
subiects to their Obedience?

Truely King *Edward* the second,
by the incursions of the Scottish Na-
tion, and by the insurrection of his
Barons, who raised his wife and his
Sonne against him, and in the end
deposed him, was diuerted and vtter-
ly disabled to reforme the disorders
of Ireland. But assoone as the crown
of England was transferred to K. *Edw.*
3. though hee were yet in his minori-
ty, the State there beganne to looke
into the desperate estate of thinges
heere. And finding such a general de-
fection, Letters were sent from the
King, to the great men and Prelates,
requiring them particularly to swear
fealty to the Crowne of England.

Shortly after, Sir *Anthony Lucie*, a
person of great authority in England
in those daies, was sent ouer to work
a reformation in this Kingdome, by a
seuere course; and to that ende, the

C c 3 King

Edward 2

K. Edward the
third, did first
endeuor a re-
formation.

Archiv. Tur. 2.
E. 3. class. perf.
1. m. 16.

Sir Anthony
Lucie.

Annales Hibernia in Camden.

King wrote expresly to the Earle of *Ulster*, and others of the Nobilitie to assist him, as is before remembered; presently vpon his arriual, he arrested *Maurice Fitz-Thomas* Earle of *Desmond*; and *Sir William Bremingham*, and committed them prisoners to the Castle of *Dublin*: where *Sir William Bremingham* was executed for treason, though the Earle of *Desmond* were left to Mainprize, vpon condition, hee should appeare before the King by a certain day, and in the meane time to continue loyall.

Resumption of Liberties.

AFter this, the King being aduertised, that the ouer-large Graunts of Lands and Liberties, made to the Lords of English Bloude in Ireland, made them so insolent, as they scorned to obey the Law, and the Magistrate, did absolutely resume all such Grants, as is before declared. But the Earle of *Desmond* aboue al men, found himselfe

himselfe griued with this resumption, or Repeale of Liberties; and declared his dislike & discontentment: insomuch, as he did not only refuse to come to a Parliament at *Dublin*, summoned by Sir *William Morris*, Deputie to the L. *John Darcy* the kings Lieutenant: But (as we haue said before) he raised such dissention betweene the English of bloud, and the English of birth, as the like was neuer seen, from the time of the first planting of our Nation in *Ireland*. And in this factious and seditious humour, hee drewe the Earle of *Kildare*, and the rest of the nobility, with the Cittizens and Burgeses of the principall Townes, to hold a seuerall Parliament by themselves, at *Kilkenny*; where they framed certaine Articles against the Deputy, & transmitted the same into England to the King.

Heereupon, Sir *Ralph Vissford*, who had lately before married the Countesse

Annales Hibernie in Camden.

Sir *Ralph Vissford*,

Annales Iohan. Cluyne. Manus.

Annales Hibernie in Camden.

tesse of *Visster*; a man of courage and severity, was made Lord Iustice: who forthwith calling a Parliament, sent a speciall commandement to the Earle of *Desmond*, to appeare in that great Councel; but the Earle wilfully refused to come. Whereupon, the Lord Iustice raised the Kings Standard, and marching with an Army into *Munster*, seized into the Kings handes, all the possessions of the Earle, took and executed his principall followers, Sir *Eustace le Poer*, Sir *William Graunt*, & Sir *John Cotterell*; enforced the Earle himselfe to flye and lurke, till 26. Noblemen and Knights, became Mainpernors for his appearance at a certaine day prefixed: But he making default the second time, the vttermost aduantage was taken against his sureties. Besides, at the same time, this Lord Iustice caused the Earle of *Kildare* to bee arrested and committed to the Castle of *Dublin*, indited & imprisoned many

nie other disobedient subiects, called in, and cancelled such Charters as were lately before resumed ; and proceeded euery way so roundly and seuerely, as the Nobility which were wont to suffer no controulment, did much distast him ; and the Commons who in this Land haue euer bin more deuoted to their immediate Lords heer whom they saw euery day, then vnto their Soueraigne Lord & King, whom they neuer sawe ; spake ill of this Gouvernor, as of a rigorous & cruel man, though in troth hee were a singular good Iusticer ; and, if he had not dyed in the second yeare of his gouernment, was the likeliest person of that Age, to haue reformed and reduced the degenerate English Colonies, to their natural obedience of the crown of *England*.

THus much then wee may obserue by the way, that *Maurice Fitz-Tho-*

D d *mas,*

Maurice Fitz-Thomas the first Earle of Desmond, the author of the great oppressions and dissensions which destroyed the English Colonies.

mas, the first Earle of *Desmond*, was the first English Lord that imposed *Coign* and *Livery* vpon the Kings subiectes; and the first that raised his estate to immoderate greatnesse, by that wicked Extortion and Oppression; that he was the first that reiected the English Lawes and Gouvernement, and drew others by his example to do the like; that he was the first Peere of *Ireland* that refused to come to the Parliament summoned by the Kings Authority; that he was the first that made a diuision and distinction betweene the English of bloud, and the English of birth.

The fortune of the house of Desmond.

AND as this Earle was the onelie Authour, and first Actour, of these mischiefes, which gaue the greatest impediment to the full Conquest of *Ireland*; So it is to bee noted, that albeit others of his ranke afterwards offended in the same kinde; whereby

whereby their Houses were many times in danger of ruin, yet was there not euer any Noble house of English race in Ireland, vtterly destroyed and finally rooted out by the hand of Iustice, but the house of *Desmond* onely; nor any Peere of this Realme euer put to death (though diuers haue bin attainted) but *Tbo: Fitz-James* the Earle of *Desmond* only, and onely for those wicked Customes brought in by the first Earle, and practised by his posterity, though by seuerall Lawes they were made High-Treason. And therefore, though in the 7. of *Edward* the 4. during the Gouvernment of the Lord *Tiptoft*, Earle of *worcester*, both the Earles of *Desmond* and *Kildare* were attainted by Parliament at *Drogheda*, for alliance and fostering with the Irish; and for taking *Coign* and *Liuey* of the Kings subiects, yet was *Desmond* only put to death; for the Earle of *Kildare* receiued his pardon. And albeit the

The Counsell
Booke of Ire-
land. 32. H. 8.

sonne of this Earle of *Desmond*, who lost his head at *Drogheda*, were restored to the Earldom; yet could not the kings grace regenerate obedience in that degenerate house, but it grew rather more wilde and barbarous, then before. For from thencefoorth they reclaimed a strange priuiledge: That the Earles of *Desmond* should neuer come to any Parliament or Graund-Counsell, or vvithin any walled towne, but at their will and pleasure. Which pretended Priuiledge, *James* Earle of *Desmond*, the Father of *Girald* the last Earle, renounced and surrendred by his Deed, in the Chancery of Ireland, in the 32. of *Henry* the eight. At what time, among the meer Irishry, hee submitted himselfe to Sir *Anthony Saint-Leger*, then Lord Deputy; tooke an Oath of Allegiance; Couenanted that he would suffer the law of England to bee executed in his Countrey; and assist the Kinges Iudges in their Circuits: and if any Subsidies:

dies should be granted by Parliament,
 he would permit the same to be leui-
 ed vppon his Tenants and followers.
 Which Couenants, are as straunge as
 the priuiledge it selfe, spoken of be-
 fore. But that which I conceiue most
 worthy of Obseruation, vpon the for-
 tunes of the house of *Desmond*, is this;
 that as *Maurice Fitz-Thomas*, the first
 Earle, did first raise the greatnes of that
 house, by Irish exactions and oppres-
 sions; so *Girald* the last Earle, did at last
 ruine and reduce it to nothing, by v-
 sing the like extortions. For certain it
 is, that the first occasion of his rebel-
 lion, grew from hence; that when he
 attempted to charge the *Dacies* in the
 County of *waterford*, with *Coigne* and
Liuerie, Blacke Rents and Colheries,
 after the Irish maner, hee was resisted
 by the Earle of *Ormond*, and vppon an
 encounter, ouerthrowne and taken
 prisoner; which made his heart so vn-
 quiet, as it easily conceiued treason a-

gainst the Crowne, and broght forth
 actuall and open Rebellion, wherein
 he perished himselfe, and made a final
 extinguishment of his house and ho-
 nour. Oppression and extortion did
 maintain the greatnesse: and oppres-
 sion and extortion, did extinguish the
 greatnesse of that house. Which may
 well be exprest, by the old Embleme
 of a Torch turned downewards, with
 this word; *Quod me alit, extinguit.*

NOW let vs returne to the course of
 reformation, helde and pursued
 heere, after the death of Sir Raphe Vff-
 ford, which hapned in the twentieth
 yeare of K. Edward 3. After which time,
 albeit all the power and Counsell of
 England was conuerted towards the
 Conquest of *Fraunce*, yet was not the
 worke of reformation altogether dis-
 continued. For, in the 25. yeare of K.
 Edward the third, Sir Thomas Rookeby,
 another worthy Gouvernor (whome I
 haue

haue once before named) held a Parliament at *Kilkenny*, wherein many excellent Lawes were propounded and enacted for the reducing of the English Colonies to their Obedience; which Lawes we find enrolled in the Remembrauncers Office heere; and differ not much in substaunce, from those other statutes of *Kilkenny*, which not long after (during the Gouvernement of *Lionell Duke of Clarence*) were not only enacted, but put in execution. This Noble Prince hauing married the Daughter and Heire of *Ulster*; and beeing likewise a Coparcener of the County of *Kilkenny*, in the 36. year of King *Edward* the thirde, came ouer the Kings Lieutenant, attended with a good retinue of martiall men, as is before remembred, and a Graue and Honorable Counsell, aswel for peace, as for warre. But because this Armie was not of a Competent strength to breake and subdue all the Irishry, although

The course of
Reformation
pursued by
*Lionel Duke of
Clarence.*

though he quieted the borders of the English Pale, and helde all Ireland in awe with his name and presence. The principall seruice that hee intended, was to reforme the degenerate English Colonies', and to reduce them to obedience of the English Lawe, and Magistrate. To that end, in the fortieth yeare of King Edward the third, he held that famous Parliament at *Kilkenny*; wherein many notable lawes wer enacted, which doo shew and lay open (*For the Law doth best discouer enormities*) how much the English Colonies were corrupted at that time, and doe infallibly prooue that which is laide down before; That they were wholly degenerate, and faine away from their obedience. For first, it appeareth by the Preamble of these Lawes, that the English of this Realme, before the comming ouer of *Lionel Duke of Clarence*, were at that time becom meere Irish in their Language, Names, Apparell,

parrell, and all their maner of liuing, and had reiected the English Lawes, and submitted themselus to the Irish, with whom they had many Mariages and Alliances, which tended to the vtter ruine & destruction of the commonwealth. Therefore alliaunce by Marriage, Nurture of Infants, and Gossipred with the Irish, are by this Statute made High-treason. Againe, if anie man of English race, should vse an Irish Name, Irish Language, or Irish Apparrell, or any other guise or fashion of the Irish; if he had Lands or Tenements, the same should be seized, til he had giuen security to the Chancery, to conform himself in al points to the English maner of liuing. And if he had no Lands, his bodie was to be taken and imprisoned, til he found Sureties, as aforesaide.

Againe, it was establisshed and commanded, that the English in all their Controuerfies, should bee ruled and

Ee

go-

*Archiu, in Ca-
stro Dublin.
Statutes of
Kilkenny.*

C. 2.

C. 3.

C. 4.

gouerned by the common Lawe of England: and if any did submit himselfe to the *Brebon* Law, or *March* law, he should be adiudged a Traitor.

C. 10. Againe, because the English at that time, made warre and peace with the bordering enemy at their pleasure; they were expressely prohibited to leaue warre vpon the Irish, without speciall warrant and direction from the State.

C. 12. Againe, it was made pænall to the English, to permit the Irish to Creaght or graze vpon their Landes:

C. 13. to present them to Ecclesiasticall Benefices;

C. 15. to receiue them into any Monasteries, or Religious Houses, or to entertaine any of their Minstrels, Rimers, or Newes-tellers:

C. 17. to impose or selle any Horse or Foot vpon the English Subiects against their willes, was made felony. And because the great Liberties or Franchises spoken of before, were become Sanctuaries

C. 22. for

for all Malefactours, expresse power was giuen to the Kinges Sheriffes, to enter into all franchises, and there to apprehend all Fellons and Traitours. And lastly, because the great Lordes, when they leuied forces for the publick seruice, did lay vnequall burdens vpon the Gentlemen and Free-holders, it was ordained, that foure Wardens of the peace in euery Countie, should set downe and appoint what men and Armour euery man should beare, according to his Free-hold, or other ability of estate.

C. 24.

These, and other Lawes, tending to a generall reformation, were enacted in that Parliament. And the Execution of these Lawes, together with the *Presence of the Kings Son*, made a notable alteration in the State and Manners of this people, within the space of seauen yeares, which was the tearme of this Princes Lieutenancy.

The Statutes
of Kilkenny,
did much re-
forme the de-
generate Eng-
lish.

E c 2

For

Sta. 10. H. 7. c. 3

For, all the *Discourses* that I haue
 seene of the Decay of Ireland, doe a-
 gree in this; that the presence of the
 Lord *Lionel*, and these Statutes of *Kil-*
kenny, did restore the English gouern-
 ment, in the degenerate Colonies, for
 diuers yeares. And the Statute of the
 tenth of *Henry* the seventh, which re-
 uiueth and confirmeth the Statutes of
Kilkenny, doth confirme as much. For
 it declareth, that as long as these Lawes
 were put in vre and execution, this Lande
 continued in prosperity and honor: and since
 they were not executed, the Subiectes rebel-
 led and digressed from their allegiance, and
 the Land fell to ruine and desolation. And
 withall, wee finde the effect of these
 Lawes in the Pipe-Rolles, and Plea-
 Rolles of this Kingdome: For, from
 the 36. of *Edward* 3. when this Prince
 entred into his Gouernment, till the
 beginning of *Richard* the second his
 Raigne, we find the Reuennue of the
 Crowne both certaine and casuall in
Ulster,

Ulster, Munster, and Conaght, accounted for; and that the Kings Writ did run, and the Common-Law was executed in euery of these Prouinces. I ioyned with these Lawes, the personall presence of the Kings Son, as a concurrent cause of this Reformation: *Because the people of this Land both English & Irish, out of a naturall pride, did neuer loue & desire to be governed by great persons.* And therefore, I may heere iustly take occasion to note, that first the absence of the Kings of England; and nexte, the absence of those great Lords, who were inheritors of those mighty Seignories of *Leinster, Ulster, Conaght, and Meth*, haue bin maine causes why this kingdome was not reduced in so many ages.

Touching the absence of our Kinges, three of them onely since the Norman Conquest, haue made royall iournies into this Land; namely, K.

E e 3

Henrie

The presence of the Kinges son, did much aduance the reformation.

Absence of our Kings and great English Lords, a chief cause why the Kingdom was not reduced.

Absence of our Kings.

Henrie the second, King *Iohn*, and king *Richard* the second. And yet they no sooner arriued heere, but that all the Irishry, (as if they had bin but one man) submitted them-selues; tooke Oaths of fidelity, and gaue pledges & hostages to continue loyall. And, if any of those Kings hadde continued heere in person a competent time, till they had setled both English & Irish in their seuerall possessions, and had set the Law in a due course throughout the Kingdom; these times wherein we liue, had not gained the honor of the finall Conquest and reducing of *Ireland*. For the King (saith *Salomon*) *dissipat omne malum intuitu suo*. But when *Moses* was absent in the Mount, the people committed Idolatry: & when there was no king in *Israel*, euery man did what seemed best in his owne eies.

And therefore, when *Alexander* had conquered the East part of the world, and demaunded of one what was the fit-

fitest place for the seat of his Empire, he brought and laid a dry hide before him, and desired him to set his foote on the one side thereof, which being done, all the other parts of the Hide did rise vp : but when he did set his foot in the middle of the Hide, all the other parts lay flat and euen : Which was a liuely demonstration, that if a Prince keep his residence in the Border of his Dominions, the remoate parts will easily rise and rebell against him : but if he make the Center thereof, his seat, he shall easily keepe them in peace and obedience.

Touching the absence of the great Lords: All Writers doe impute the decay and losse of *Leinster*, to the absence of these English Lords, who married the five Daughters of *William Marshall* Earle of *Pembroke* (to whom that great Seigniory descended) when his five sonnes, who inherited the same suc-

The absence
of the great
English Lords.

Baron Finglas,
Manuscript.

successiuelly ; and during their times,
 held the same in peace & obedience
 to the Law of *England*, were all dead
 without Issue : which hapned about
 the fortieth yeare of King *Henrie* the
 third : for the eldest beeing married
 to *Hugh Bigot* Earle of *Norfolke*, who in
 right of his wife, had the Marthallship
 of *England*; The second, to *Warren de*
Mountchensey, whose sole daughter and
 heire, was matcht to *william de Valentia*
 halfe Brother to K. *Henrie* 3. who by
 that match, was made Earle of *Pem-*
broke; The third, to *Gilbert de Clare*, earl
 of *Glocester*; The fourth, to *william Fer-*
rers, Earle of *Darby*; The fift, to *william*
de Bruce, Lord of *Brecknocke* : These
 great Lordes, hauing greater inheri-
 tances in their owne right in *England*,
 then they hadde in *Ireland* in right of
 their Wiues (and yet each of the Co-
 parceners, had an entire Countie al-
 lotted for her purparty, as is before
 declared) could not bee drawne to
 make

make their personal residence in this Kingdom; but managed their estates heere, by their *Seneschals and Servants*. And to defend their territories against the bordering Irish, they entertained some of the Natives, who pretended a perpetuall Title to those great lordships. For the Irish after a thousande Conquests & Attainders by our law, would in those daies pretend title stil, because by the Irish Lawe no man could forfeit his Land. These natives taking the opportunity in weake and desperate times, vsurped those Seigniories; and so *Donald Mac Art Cassanagh*, being entertained by the Earl of *Norfolke*, made himselfe Lorde of the County of *Catherlogh*; And *Lisagh O Moore*, being trusted by the *L. Mortimer*, who married the Daughter and Heire of the Lord *Bruce*, made himselfe Lord of the Lands in *Leix*, in the latter end of king *Edward the seconds* raigne, as is before declared.

*Baron Finglas,
Manuscript.*

Againe, the decay and losse of *Vlster & Conaght*, is attributed to this; that the Lorde *william Bourke*, the last Earle of that name, died without issue Male; whose Ancestors, namely, the Red-Earle, and *Sir Hugh de Lacy*, before him, being personally resident, helde vp their greatnesse there; & kept the English in peace, and the Irish in aw: But when those Prouinces disceded vppon an *Heire Female*, and an *Infant*, the Irish ouer-ran *Vlster*, and the younger branches of the *Bourkes*, vsurped *Conaght*. And therefore, the Ordinance made in England, the 3. of *Richard 2.* against such as were absent from their Lands in *Ireland*; and gaue two third parts of the profites thereof vnto the King, vntill they returned, or placed a sufficient number of men to defend the same, was grounded vppon good reason of state: which Ordinaunce was put in execution for many yeares after, as appeareth by sundry seizures made

*Archiu. Turv.
Rot. parliam. 42*

made thereupon, in the time of King
Richard 1. Henry 4. Henry 5. and Henry 6.
 whereof there remaine Records in
 the Remembrancers Office heere. A-
 mong the rest, the Duke of *Norffolke*
 himselfe was not spared, but was im-
 pleaded vpon this Ordinance, for two
 parts of the profits of *Dorburies* Iland,
 and other Landes in the Countie of
wexford, in the time of *K. Henry 6.* And
 afterwards, vpon the same reason of
 State, all the Landes of the house of
Norfolke., of the Earle of *Shrewesburie*,
 the Lord *Barkley*, and others (who ha-
 uing Lands in Ireland, kept their cō-
 tinuall residence in England) were
 entirely resumed by the Act of Ab-
 sentees, made in the 28. yeare of king
Henry the eight.

*Archiv. in offic.
 Remem. Dublin*

*Act of Absen-
 tees, 28. H. 8.*

But now againe, let vs look back
 and see, howe long the effect of that
 reformation did continue, which was
 begun by *Lionel Duke of Clarence*, in
 the fortith yeare of *K. Edm 3.* and what

courfes haue bin held, to reduce and reforme this people by other Lieutenants and Gouvernors ſince that time.

The Englifh Colonies beeing in ſome good meafure, reformed by the Statutes of *Kilkenny*, did not vtterly fall away into Barbarifme againe, till the warres of the two Houfes had almoſt deſtroyed both theſe Kingdoms; for in that miſerable time, the Irifh found opportunity, without oppoſition, to baniſh the Englifh Law and gouernment, out of all the Prouinces, and to confine it onely to the Englifh Pale: Howbeit, in the mean time, between the Gouernment of the Duke of *Clarence*, and the beginning of thoſe ciuill Warres of *Yorke* and *Lancaſter*, we finde that the State of *England* did ſundry times reſolue to proceede in this worke of reformation.

For firſt, King *Richard 2.* ſent ouer Sir *Nicholas Dagworth*, to ſuruey the poſſeſſions of the Crowne; & to call

to

The reformation intended
by K. *Richard 2.*

to accompt the Officers of the reuenue; Next (to draw his English Subjects to manure & defend their lands in *Ireland*) he made that Ordinance against Absentees, spoken of before. Again, he shewed an excellent example of Iustice, vpon Sir *Phillip Courteney*, being his lieutenant of that kingdom, when he caused him to bee arrested by special Commissioners, vpon complaint made of sundry greivous oppressions and wrongs, which during his Gouvernement, he had done vnto that people.

After this, the Parliament of England did resolue, that *Thomas Duke of Gloucester* the Kings Vnkle, should bee employed in the reformation and reducing of that Kingdom: the Fame wherof, was no sooner bruted in *Ireland*, but all the Irishry were readie to submit them-selues before his coming: so much the very Name of a great personage, specially of a Prince

Ff 3

of

Archib. Turv. 3
Rich. 2. cl. m 3.

3 Rich. 2. Rot.
Parliam. 11. 42

9. Rich. 2. claus.
m. 1.

Walsingham in
Rich. 2. 349. d.

of the blood, did euer preuayle with this people. But the King and his Mitions, who were euer ieaious of this Duke of *Glocester*, wold not suffer him to haue the honor of that seruice. But the King himselfe thought it a worke worthy of his own presence & pains : and thereuppon, Himselfe in person, made those two royall iournies mentioned before: At what time, he receiued the submissions of all the Irish Lordes and Captaines, who bounde themselues both by Indenture & oath to become and continue his Loyall Subiects. And withall, laid a perticular proiect, for a ciuill plantation of the Mountains and Maritime Counties, betweene *Dublin* and *wexford*; by remoouing all the Irish Septes from thence, as apeareth by the couenants betweene the Earle Marshall of England, and those Irish Septes : which are before remembred, and are yet preserved, and remaine of Record in the
Kinges

Kings Remembrancers Office at *westminster*. Lastly, this King being present in Ireland, tooke speciall care to supply and furnish the Courtes of Iustice with able and sufficient Iudges; And to that end, hee made that Graue and Learned Iudge, Sir *william Hankeford*, Chiefe Iustice of the kings bench heere (who afterwards for his seruice in this Realme, was made Chiefe Iustice of the Kings Bench in England, by K. *Henry 4.*) and did withall, associate vnto him, *william Sturmy*, a well Learned man in the Law; who likewise came out of England with the K. that the legal proceedings (which wer out of order too, as all other things in that Realme were) might be amended, and made formall, according to the course and Presidents of England. But all the good purposes & proiects of this King, were interrupted and vterly defeated, by his sodaine departure out of Ireland, and vnhappy deposition

Plac. coram Rege in Hibernia. Hillar. 18 Ric. 2.

position from the Crowne of England.

The reformation intended by Hen. 4.

HOwbeit, King *Henrie* the fourth, intending likewise to prosecute this Noble worke in the third yeare of his raigne, made the Lord *Thomas* of *Lancaster*, his second sonne, Lieutenant of *Ireland* : Who came ouer in person, and accepted againe the submissions of diuers Irish Lords & Captaines, as is before remembred; and held also a Parliament, wherein hee gaue newe life to the Statutes of *Kilkenny*, and made other good Lawes tending to the Reformation of the Kingdome. But the troubles rayfed against the King his Father in England, drew him home again so soon, as that seed of reformation, tooke no roote at all; neither had his seruice in that kinde, any good effect or successe.

After this, the State of England had

had no leifure to thinke of a generall reformation in this Realme, till the ciuill diffentions of England were appeased, and the peace of that kingdom fetled, by K. *Henry 7.*

For, albeit in the time of King *Henry 6.* *Richard* duke of *York*, a Prince of the blood; of great wisedome and valour, and heir to a third part of the Kingdome at least, being Earle of *Wiltster*, and Lord of *Conaght* and *Meth*, was sent the Kinges Lieutenant into Ireland, to recouer and reforme that Realme where he was resident in person for the greatest part of 10. yeares, yet the troth is, he aymed at another marke, which was the Crown of *England*. And therefore, he thought it no pollicy to distast either the English or Irish, by a course of reformation, but sought by all meanes to please them, and by popular courses to steale away their hearts, to the end, hee might strengthen his party, when he should

set on foot his Title (as is before declared,) Which policy of his tooke such effect, as that he drew ouer with him into England, the Flower of all the English Colonies, specially of *W-ster* and *Meth*, whereof many Noblemen and Gentlemen were slain with him at *wakefield* (as is likewise before remembred.) And after his Death, when the warres between the Houses were in their heat, almost al the good English blood which was left in Ireland, was spent in those ciuill dissensions: so as the Irish became victorious ouer all, *without Blood, or Sweat*. Only, that little Canton of Lande, called the English Pale, containing 4. small Shires, did maintain a bordering war with the Irish, and retaine the forme of English Gouvernment.

But out of that little Precinct, there were no Lordes, Knights, or Burgeses, summoned to the Parliament; neither did the Kings Writt run in anie other

other part of the kingdome: and yet vpon the Marches & Borders, which at that time were growne so large, as they tooke vp halfe *Dublin*, half *Metb*, and a third part of *Kildare* and *Louth*; there was no law in vse, but the *March-Lawe*, which in the Statutes of *Kilkenny*, is said to be no Law, but a leud Custom.

So, as vpon the end of these ciuill warres in *England*, the English Law & Government was well banisht out of *Ireland*, so as no foot-steppe or print was left, of any former Reformation.

Then did King *Henry 7.* send ouer Sir *Edward Poynings* to be his Deputy, a right worthy seruitor both in war and peace. The principall end of his employment, was to expel *Perkin warbecke* out of this kingdome; but that seruice beeing perfourmed, that worthy Deputy finding nothing but a common misery, tooke the best

The course of Reformation held by Sir Edward Poynings, in the time of k.H.7.

course he possibly could, to establish a Common-wealth in Ireland: and to that end, he held a Parliament no lesse famous, then that of *Kilkenny*; and more availeable for the reformation of the whole Kingdome. For whereas all wise men did euer concur in opinion, that the readiest way to reform Ireland, is to settle a forme of Ciuill Government there, conformable to that of *England*: To bring this to passe, Sir *Edward Poynings* did passe an Acte, whereby all the Statutes made in *England* before that time, were enacted, established, and made of force in *Ireland*. Neither did he only respect the time past, but provided also for the time to come. For, he caused another Law to be made, that no Act should be propounded in any Parliament of Ireland, but such as should bee first transmitted into *England*, and approved by the King and Counsell there, as good and expedient for that Land, and

and so returned backe againe, vnder the Great Seale of England. This Act, though it seeme *Prima facie* to restrain the liberty of the subiects of Ireland; yet was it made at the Prayer of the Commons, vpon iust and important cause.

For the Gouvernors of that realm, specially such as were of that Contry Birth, had layd many oppressions vpon the Commons: and amongst the rest, they had imposed Lawes vppon them, not tending to the generall good, but to serue priuate turnes, and to strengthen their particular factions. This moued them to referre all Lawes, that were to be passed in Ireland, to be considered, corrected, and allowed, first by the State of England, which had alwaies bin tender & carefull of the good of this people, and had long since made them a Ciuill, Rich, and Happy Nation, if their own Lords and Gouvernors there, had not

sent badde intelligence into England. Besides this, he took special order, that the summons of Parliament should go into all the shires of Ireland, and not to the foure shires only; and for that cause specially, hee caused all the Acts of a Parliament, lately before holden by the *Viscount of Gormanston* to be repealed and made voide. Moreover, that the *Parliamentes of Ireland*, might want no descent or honorable forme that was vsed in England, he caused a particular Act to passe, that the *Lords of Ireland* should appeare in the like Parliament Robes, as the English Lords are wont to weare in the *Parliaments of England*. Hauing thus established all the statutes of England in Ireland, and set in order the great Councell of that Realme, he did not omit to passe other Lawes, as well for the encrease of the Kings Reuennue, as the preservation of the publick peace.

To aduancee the profitcs of the
Crowne,

Crown; First he obtained a subsidy of 26s. 8. d. out of every sixe score Acres manured, payable yearly for 5. years. Next, he resumed al the Crown land, which had been aliened (for the most part) by *Richard Duke of Yorke*: & lastly, he procured a subsidy of *Pondage*, out of all Merchandizes imported & exported, to be granted to the Crown in perpetuity.

To preferue the publicke peace, he reuiued the statutes of *Kilkenny*. He made wilfull murther High-Treason; he caused the Marchers to book their men for whom they should answer; and restrained the making Warre or peace, without speciall Commission from the State.

These Lawes, and others as important as these, for the making of a commonwealth in Ireland, wer made in the Gouvernment of *Sir Edward Poynings*. But these Lawes did not spread their Vertue beyonde the English Pale,

Pale, though they were made generally for the whole *Kingdome*. For the *Prouinces* without the *Pale*, which during the warre of *Yorke* and *Lancaster*, had wholly cast off the English Government, were not apt to receyue this seed of reformation, because they were not first broken and maistered againe with the sword. Besides, the *Irish Countreies*, which contained two third parts of the *Kingdome*, were not reduced to *Shire-Ground*, so as in the *Lawes of England* could not possibly be put in execution. Therefore, these good *Laws* & *prouisions* made by *Sir Edward Poynings*, were like good *Lessons* set for a *Lute*, that is broken and out of tune; of which *Lessons*, little vse can be made, till the *Lute* bee made fit to be plaid vpon.

And that the execution of al these *Lawes*, had no greater Latitude then the *Pale*, is manifest by the Statute of 13. of *Henry 8. c. 3.* which reciteth, that

at

at that time, the *Kings Lawes* were obeyed and executed in the four shires onely ; and yet then was the *Earle of Surrey Lieutenant of Ireland*, a Gouvernor much feared of the Kings Enemies , and exceedingly honored and beloved of the Kings subjects. And the instructions given by the state of Ireland, to *John Allen*, Maister of the Rols, employed into *England* , neere about the same time, doe declare as much ; wherein among other things, hee is required to aduertise the King, that his Land of Ireland was so much decayed, as that the Kings Lawes were not obeyed twenty miles in compas. Whereupon, grew that By-word vsed by the Irish, (viz :) *That they dwelt By-west the Law, which dwelt beyond the River of the Barrow*, which is within 30. Miles of Dublin. The same is testified by *Baron Finglas*, in his *Discourse of the decay of Ireland*, which hee wrote about the 20. yeare of King *Henry 8.* And thus we

Hh

see

The Counsell
Booke of Ire-
land. 16. H. 8.

see the effect of the Reformation
which was intended by Sir Edward
Poynings.

The reformation intended
by the L. Leonard Gray,
28. Hen. 8.

THE next Attempt of Reformation, was made in the 28. yeare of King Henry 8. by the Lorde Leonard Gray, who was created Viscount of *Garny* in this Kingdome, and helde a *Parliament*, wherein many excellent Lawes were made. But to prepare the mindes of the people to obey these Lawes, he began first with a Martiall course: For being sent ouer to suppress the Rebellion of the *Giraldines*, (which he performed in few months) he afterwards made a victorious Circuit round about the Kingdome; beginning in *Offaly*, against O Connor, who had ayded the *Giraldines* in their Rebellion; and from thence passing along through all the Irish Countries in *Leinster*, and so into *Mounster*, wher hee tooke pledges of the degenerate Earle

Annales Hibernie Manus.

Earle of *Desmond*, and thence into *Conaght*, and thence into *Ulster*; & then concluded this warlicke Progresse with the Battell of *Belahoo*, in the Borders of *Meth*, as is before remembred.

The principall Septs of the Irishry beeing all terrified, and most of them broken in this iourney, manie of their chiefe Lords vppon this Deputies returne came to *Dublin*, and made their submissions to the crown of England; Namely, the *O Neales*, & *O Relies* of *Ulster*, *Mac Murrough*, *O Birne*, and *O Carrol* of *Leinster*, and the *Bourks* of *Conaght*.

This preparation being made, he first propounded and passed in Parliament these Lawes, which made the great alteration in the State Ecclesiastical; Namely, the Act which declared King *Henry* the eight to bee supream Head of the Church of Ireland. The Act prohibiting Apeales to the church of *Rome*: the Act for first frutes, and

The Counsell
Booke of Ire-
land, 18. H. 8.

twentieth part to be paid to the King: the Act for Faculties and Dispensations: And lastly, the Act that did utterly abolish the vsurped Authoritie of the Pope. Next, for the encrease of the Kings Reuennew: By one Act, he suppressed sundry Abbeyes and Religious Houses; and by another Acte, resumed the Lands of the Absentees, (as is before remembred.)

And for the Ciuill Gouernment, a speciall Statute was made, to abolish the Black-Rents and tributes, exacted by the Irish, vpon the English Colonies; and another Law enacted, that the English Apparrell, Language, & manner of liuing, should bee vsed by all such, as would acknowledge themselves the Kings Subiects. This Parliament being ended, the Lord Leonard Gray, was suddenly reuokt, and put to death in England, so as hee liued not to finish the woorke of Reformation which he had begun: which notwithstanding,

standing was well pursued by his successors, Sir *Antony Saint-Leger*; Vnto whom, all the Lords and Chiefetanes of the Irishry, and of the degenerate English throughout the Kingdome, made their seuerall submissions by Indenture (which was the fourth general submission of the Irish, made since the first attempt of the Conquest of Ireland) whereof the first was made to King *Henry 1.* the second to *K. Iohn*, the third to *K. Richard 1.* and his last to Sir *Antony Saint-Leger*, in 33. of *Hen. 8.*

The course of
Reformation
pursued by
Sir *Antony
Saint-Leger.*

Four general Submissions of the
Irish.

In these Indentures of submission, all the Irish Lords do acknowledge *K. Henry* the eight to be their Soueraign Lord and King, and desire to bee accepted of him as subiects. They confesse the Kings supremacy in all causes, & do vtterly renounce the Popes Jurisdiction, which I conceiue to bee worth the noting, because, *when the*

The Counsell
Booke of Ire-
land. 72. 73.
and 34. of *H. 8.*

Hh 3 Irish

The Irish and
degenerate
English, re-
nounce the
Pope.

CONSTITUTION
OF THE
IRISH PARLIAMENT

The Counsell
Booke of Ire-
land. 33.H.8.

Irish had once resolved to obey the king, they made no scruple to renounce the Pope. And this was not only done by the meere Irish, but the chiefe of the degenerate English Families did perfourme the same: as Desmond, Barry, and Roche, in Munster; and the Bourkes, which bore the Title of Mac william, in Conaght.

These submissions being thus taken, the Lorde Deputy and Counsell for the present Gouvernment of those Irish Countries, made certaine Ordinances of state, not agreeable altogether with the Rules of the Law of England; the reason whereof, is exprest in the preamble of those Ordinances; *Quia nondum sic sapiunt leges & iura, ut secundum ea iam immediate vivere & regipossint.* The chiefe points or Articles of which Orders registred in the Counsell-Booke are these: That King Henrie the eight, shold be accepted, reputed, and named King of Ireland, by all the Inhabitants of the Kingdome; that al
Archbi-

Archbishops and Bishops should bee permitted to exercise their Iurisdiction in every Diocesse throughout the Land: that tithes should be duely set out, and paide: that Children should not be admitted to Benefices: that for every Manslaughter, and theft above 14 d. committed in the Irish Contries, the offender should pay a fine of 40. li. twenty pound to the King, and 10. li. to the Captaine of the Country, and for every thefte vnder 14. d. a fine of five markes should be paid, 46 s. viii. d. to the Captaine, and 10. s. to the *Tanistier*: That Horsemen and *Keara* should not be imposed vpon the Common people, to be fed and maintained by them: That the Maister should answer for his seruants, and the Father for his Children: That *Cuttings* should not be made by the Lorde vpon his Tenants, to maintaine war with his neighbors, but only to beare his necessary expences, &c.

These

These ordinances of state being made and published, there were nominated and appointed in euery province, certaine Orderers or Arbitraters, who instead of these Irish *Brebons*, should heare and determine all their Controuerſies. In *Conaght*, the Arch-Bishop of *Tuam*, the Bishop of *Clonfert*, Captaine *makeley*, and Captaine *Ouington*. In *Munster*, the Bishop of *Waterford*, the Bishop of *Corke* and *Rosſe*, the Maior of *Corke*, and Maior of *Youghball*. In *Viſter*, the Archbiſhop of *Ardmagh*, & the Lord of *Lomb*. And if any difference did ariſe, which they could not end, either for the difficultie of the cauſe, or for the obſtinacy of the parties, they were to certiſie the Lord Deputy and Counſell, who would decide the matter by their authority.

Heereuppon, the Irish Captaines of leſſer Territories, which had euer bin oppreſſed by the greater & mightier; ſome, with Riſings out; others, with

with *Bonaght*, and others, with *Cuttings*, and spendings at pleasure, did appeale for Iustice to the Lorde Deputy; who vpon hearing their Complaints, did alwayes order, that they should all immediatly depend vpon the King; and that the weaker should haue no dependancy vpon the stronger.

Lastly, he preuailed so much with the greatest of them; Namely, *O Neale*, *O Brien*, and *Mac william*, as that they willingly did passe into *England* and presented themselues to the king, who thereuppon was pleased to aduance them to the degree and honor of Earles, & to grant vnto them their seuerall Contries, by Letters patents. Besides, that they might learne Obedience and Ciuility of maners, by often repairing vnto the State, the K. vpon the motion of the same Deputy, gaue each of them a house and Lands neere *Dublin*, for the entertainment

of their feuerall traines.

This courfe, did this Gouvernour take to reforme the Irifhry; but with- all, he did not omit to aduance both the honor and profit of the King. For in the Parliament which he helde the 33. of Henry 8. hee caused an Acte to paffe, which gaue vnto K. Henry 8. his heyres and fuccessors, the name, stile, and Title of *King* of Ireland; whereas before that time, the Kings of England were stiled but Lords of Ireland: albe- it indeed, they were absolute *Monarks* thereof, and had in right all Royall & Imperial Iurisdiction & power there, as they had in the Realm of England. And yet because in the vulgar conceit the name of *King*, is higher then the name of *Lorde*. Assuredly, the assu- ming of this title, hath not a litle ray- sed the soueraignty of the K. of Eng- land in the minds of this people. Last- ly, this Deputy brought a great aug- mentation to the *Kings* Reuenuē; by dif-

dissolving of all the Monasteries and Religious Houses in Ireland, which was done in the same Parliament: & afterward, by procuring *Min* and *Ca-uendish*, two skilfull Auditours, to bee sent ouer out of England. Who tooke an exact suruey of all the possessions of the Crowne, and brought manie things into charge, which had beene concealed and subtracted for manie years before. And thus far did Sir *Anthony Saint-Leger* proceed, in the course of Reformation; which though it wer a good beginning, yet was it far from reducing Ireland to the perfect Obedience of the Crown of England. For all this while, the Prouinces of *Conaght* and *Ulster*, and a good parte of *Leinster*, were not reduced to Shire-Ground. And though *Mounster* were anciently diuided into Counties, the people were so degenerate, as no Iustice of Assise, durst execute his Commission amongst them. None of the

Irish Lords or Tenants were settled in their possessions, by any Graunt or Confirmation from the Crowne, except the three great Earles before named; who notwithstanding, did govern their Tenants and Followers, by the Irish or *Brehon Law*; so as no treason, murther, rape, or theft, committed in those Countries, was inquired of, or punished by the Law of England; and consequently, no Escheat, Forfeiture, or Fine; no Reuenue (certain or casuall) did acrow to the Crowne out of those Prouinces.

The course of Reformation prosecuted by Thomas Earle of Suffex, in the time of *Q. Mary*.

Leix & Offaly made two Counties, 3. & 4. *Phil. & Maria*.

The next worthy Gouvernor that endeououred to aduance this Reformation, was *Thomas Earle of Suffex*; who hauing thoroughly broken and subdued the two most rebellious and powerful Irish Septs in *Leinster*; namely, the *Moores & O Connors*, possessing the territories of *Leix & Offaly*, did by Act of Parliament, 3. & 4. *Phil. & Maria*, reduce those Countries into two feuerall

seuerall Counties; naming the one, the *Kinges*; and the other, the *Queenes* County; which were the first two Counties that had beene made in this Kingdome, since the twelfth yeare of King *Iohn*; at what time the Territories the possessed by the English Colonies, were reduced into 12. Shires, as is before expressed.

•• This Noble Earle, having thus extended the Iurisdiction of the English Lawe into two Counties more, was not satisfied with that addition, but took a resolution to diuide all the rest of the Irish Countries vnreduced, into seuerall Shires; and to that end, he caused an Act to passe in the same Parliament, authorising the Lord Chancellour, from time to time, to award Commissions to such persons, as the Lord Deputy should nominate and appoint, to viewe, and perambulate those Irish territories; and thereupon, to diuide and limit the same into such

and so many feuerall Countyes as they should thinke meete; which beeing certified to the Lord Deputy, and approved by him, should bee returned and enrolled in the Chancery, and from thenceforth be of like force and effect, as if it were doone by Act of Parliament.

Thus did the Earle of *Sussex* lay open a passage for the Ciuill gouernment into the vnreformed partes of this Kingdome, but himselfe proceeded no further then is before declared.

The course of
Reformation
followed by
Sir Henry Sid-
ney, in the
time of Qu.
Elizabeth.

Howbeit afterwarde, during the raigne of Queen *Elizabeth*, Sir *Henry Sidney*, (who hath left behinde him many Monuments of a good Gouvernour in this Land) did not onely pursue that course which the Earle of *Sussex* began, in reducing the Irish Countreies into Shires, and placing therein Sheriffes, and other Ministers of the Law; (for first hee made the *Annaly* a Territory

Territory in *Leynster*, possessed by the
 Sept of *Offerralles*, one entire Shire by
 it selfe, and called it the County of
Longford; and after that he diuided the
 whole Prouince of *Conaght* into sixe
 Counties more; namely, *Clare* (which
 containeth all *Thomond*) *Gallaway*, *Sligo*,
Mayo, *Roscomon*, and *Leytrim*:) But he
 also had caused diuers good Lawes to
 be made, & performed sundry other
 seruices, tending greatly to the refor-
 mation of this Kingdome. For first,
 to diminisht the greatnesse of the Irish
 Lordes, and to take from them the de-
 pendancy of the Common people, in
 the Parliament which he held *15. Eliz.*
 Hee did abolish their pretended and
 vsurped Captain-ships, and all exacti-
 ons, and extortions incident thereun-
 to. Next, to settle their Seigniorie &
 possessions in a course of Inheritance,
 according to the course of the Com-
 mon Law, he caused an Act to passe,
 whereby the Lord Deputy was autho-
 rised

rised to accept their Surrenders, and to re-grant estates vnto them, to hold of the Crown by English tenures and seruices. Againe, because the Inferi- or sort were loose and poore, and not amesnable to the Law, hee provided by another Act, that five of the best & eldest persons of euery Sept, should bring in all the idle persons of their sur-name, to be iustified by the Law. Moreouer, to giue a ciuill education to the Youth of this Land in the time to come, provision was made by another Law, that there should bee one Free-schoole, at ~~last~~, erected in euery Diocesse of the Kingdom. And lastly, to invre and acquaint the people of *Mounster* and *Conaght*, with the English Gouvernment againe (which had not been in vse among them, for the space of 200. yeares before:) hee instituted two Presidency Courtes in those two Prouinces, placing Sir Edward Fitton in *Conaght*, and Sir Iohn Perrot in *Mounster*.

To

To augment the Kings Reuennew in the same Parliament, vpon the attainer of *Shane O Neale*, hee resumed & vested in the Crowne, more then halfe the Prouince of *Ulster*: He raised the Customes vpon the principall commodities of the Kingdome: He reformed the abuses of the Exchequer, by many good orders and instructions sent out of *England*; and lastly, he established the composition of the *Pale*, in lieu of Purueyance and Sesse of Souldiers.

These were good proceedinges in the worke of Reformation, but there were many defects & omissions withall; for though he reduced all *Conaght* into Counties, he neuer sent any Iustices of Assize to visite that Prouince, but placed Cõmissioners there, who gouerned it onely in *A course of discretion*; part Martiall, and part Ciuill. Againe, in the Law that dooth abolish the Irish Captain-ships, he gaue waie

K k for

for the reuiuing thereof againe, by excepting such, as should be granted by Letters Patentes from the Crowne; which exception did indeede take away the force of that Law. For no gouernour during Queene *Elizabeths* raign, did refuse to grant any of those Captain-ships, to any pretended *Irish* Lord, who would *Desire*, and with his thankfulnessse *Deserue* the same. And againe, though the greatest part of *W-ster* were vested by Act of Parliament, in the actuall and reall possession of the Crowne; yet was there neuer any seisure made thereof, nor any part thereof brought into charge, but the *Irish* were permitted to take all the profits, without rendering any dutie or acknowledgement for the same; and though the Name of *O Neale* were damned by that act, and the assuming thereof made High-treason; yet after that, was *Tirlagh Leynnagh* suffered to beare that Title, and to intrude vpon the
the

the possessions of the Crown, and yet was often entertained by the State with fauour. Neither were these lands resumed, by the Act of 11. of *Elizabeth* neglected onely (for the Abbaies and religious Houses in *Tirone*, *Tirconnell*, and *Fermannagh*, though they were dissolved in the 33. of *Henry 8.* were neuer surueied nor reduced into charge, but were continually possesse by the religious persons) vntill his Maiestie that now is came to the Crowne: and that which is more strange, the Donations of Bishoppes, being a flower of the Crowne (which the Kings of England did euer retaine in all their Dominions, when the Popes vsurped Authority was at the highest.) There were three Bishoppes in *Ulster*; namely, *Derry*, *Rapho*, and *Clogher*, which neither *Queene Elizabeth*, nor any of her Progenitors did euer bestow, though they were the vndoubted Patrons thereof. So as King *Iames*

was the first king of England that did euer supply those Sees with Byshops, which is an argument eyther of great negligence, or of great weaknesse in the State and Gouvernours of those times. And thus farre proceeded Sir *Henry Sidney*.

The Reformation ad-
vanced by Sir
Iohn Perrot.

After him, Sir *Iohn Perrot*, who held the last Parliament in this Kingdome, did aduance the *Reformation* in three principall points. First, in establishing the great composition of *Conaght*; in which seruice the wisedome and industry of *Sir Richard Bingham* did concur with him: next, in reducing the vnreformed partes of *Ulster* into seauen shires; namely, *Armagh*, *Monaghan*, *Tirone*, *Coleraine*, *Deuiegall*, *Fermannagh*, & *Cauan*; though in his time the Law was neuer executed in these new Counties by any Sheriffes or Iustices of Assize, but the people left to be ruled still by their own barbarous

Lords

Lords and Lawes: And lastly, by vesting in the Crowne, the Lands of *Desmond* and his Adherents in *Mounster*, and planting the same with English, thogh that plantation were imperfect in many points.

After *Sir Iohn Perrot*, *Sir William Fitzwilliams* did good seruice in two other points. First, in raising a composition in *Mounster*; and then, in settling the possessions both of the Lords and Tenantes in *Monahan*, which was one of the last Acts of State, tending to the reformation of the Ciuill Government that was performed in the raigne of *Queene ELIZABETH*.

Thus we see, by what degrees, & what pollicy and successe the Gouvernors of this Land from time to time, since the beginning of the raigne of King *Edward 3*. haue endeavored to reforme and reduce this people to the perfect obedience of the Crowne of

K k 3 *England*;

The Seruice
of *William Fitz
Williams*, tend-
ing to reformation.

England: And we find, that before the Ciuill Warres of *Torke* and *Lancaster*, they did chiefly endeouour to bring backe the degenerate English Colonies, to their Duty and Allegeaunce, not respecting the meer Irish, whom they reputed as Aliens or Enemies of the Crowne. But after King *Henry 7.* had vnited the *Roses*, they labored to reduce both English and Irish together: which worke, to what passe and perfection it was brought in the latter end of *Queen Elizabeths* raign, hath bin before declared.

Whereof sometimes when I doe consider, I do in mine owne conceit compare these later Gouvernors, who went about to reforme the Ciuill Affairs in *Ireland*, vnto some of the *Kings* of *Israel*, of whom it is saide, That they were good *Kings*, but they did not cut downe the Groues and High places, but suffered the people still to burne Incense, & commit Idolatry in them:

so

so Sir Anthony Saint-Leger, the Earle of Suffex, sir Henry Sidney, & sir Iohn Perrot, were good Gouvernours, but they did not abolish the Irish Customs, nor execute the Lawe in the Irish Countries, but suffered the people to worship their barbarous Lordes, and to remaine vtterly ignorant of their Duties to God and the King.

AND now am I come to the happy raigne of my most Gracious Lord & Maister K. James; in whose time, as *there hath been a concurrence of many great Felicities*: so this among others may be numbred in the first ranke; that all the Defects in the Gouvernment of Ireland spoken of before, haue beene fully supplied in the first nine yeares of his raigne. In which time, there hath bin more done in the worke & reformation of this *Kingdome*; then, in the 440. yeares which are past since the Conquest was first attempted.

How-

How the Defects & errors in the gouernment of Ireland, haue bin supplied and amended since the beginning of his Maiesties Raigne.

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fo

so Sir Anthony Saint-Leger, the Earle of Suffex, sir Henry Sidney, & sir Iohn Perrot, were good Gouvernours, but they did not abolish the Irish Customs, nor execute the Lawe in the Irish Countries, but suffered the people to worship their barbarous Lordes, and to remaine vtterly ignorant of their Duties to God and the King.

AND now am I come to the happy raigne of my most Gracious Lord & Maister K. James; in whose time, as *there hath been a concurrence of many great Felicities*: so this among others may be numbred in the first ranke; that all the Defects in the Gouvernment of *Ireland* spoken of before, haue beene fully supplied in the first nine yeares of his raigne. In which time, there hath bin more done in the worke & reformation of this *Kingdome*; then, in the 440. yeares which are past since the Conquest was first attempted.

How.

How the Defects & errors in the govern-
ment of Ire-
land, haue bin
supplied and
amended
since the be-
ginning of his
Majesties
Raigne.

Howbeit, I haue no purpose in this Discourse, to set forth at large all the proceedings of the State heere in reforming of this Kingdom, since his Maiesty came to the Crowne, for the parts and passages thereof are so many, as to expresse them fully, would require a seuerall Treatise. Besides, I for my part, since I haue not flattered the former times, but haue plainly laid open the negligence and errors of euery Age that is past, would not willingly seeme to flatter the present, by amplifying the diligence and true Iudgement of those Seruitours, that haue laboured in this Vineyard since the beginning of his Maiesties happy raigne.

I shall therefore summarily, without any amplication at all, shewe in what manner, and by what degrees, all the defects which I haue noted before in the Gouernment of this *Kingdome*, haue bin supplied since his Maiesties

iesties happy raigne beganne; and so conclude these obseruations concerning the State of Ireland.

First then, touching the Martiall affaires, I shall neede to say little, in regard that the Warre which finished the Conquest of Ireland, was ended almost in the instant when the crown descended vpon his Maiesty; and so there remained no occasion to amend the former errors committed in the prosecution of the warre. Howbeit, sithence his Maiesty hath still maintained an Army heere, aswell *For a Seminary of Martiall Men; as to Giue strength and countenance to the Ciuil Magistrate;* I may iustly obserue, that this army hath not bin fed with *Coigne & Li-uery*, or *Sesse* (with which Extortions the souldier hath bin norished in the times of former Princes) but hath bin *as iustly and royally paid, as euer Prince in the world did pay his Men of war.* Besides,

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when

Errors in the
carriage of
the martiall
affaires a-
mended.

when there did arise an occasion of employment for this army against the Rebell *Odogbertie*; neither did his Ma-iesty delay the re-inforcing thereof, but instantly sent supplies out of *England* and *Scotland*; neither did the Mar-tiall men dally or prosecute the Ser-vice faintly, but *Did forthwith quench that fire, whereby themselves would haue bin the warmer* the longer it had continu-ed, as well by the encrease of their en-tertainment, as by booties and spoile of the Countrey. And thus much I thought fit to note, touching the a-mendment of the Errors in the Mar-tiall affaires.

How the De-
fects in the ci-
uill Govern-
ment, haue
bin supplied.

SEcondly, for the supply of the De-
fects in the ciuill Gouvernement, these
coursés haue beene pursued since his
Maiesties prosperous raigne began.

By establish-
ing the pub-
licke peace.

First, albeit vpon the end of the
war, whereby *Tyrones* vniuersall Re-
bellion was suppressed, the minds of the
people

people were broken and prepared to Obedience of the Law ; yet the State vpon good reason, did conceiue, that the publicke peace could not be settled, till the hearts of the people were also quieted , by securing them from the danger of the law, which the most part of them had incurred one way or other, in that great and general confusion.

Therefore, first by a generall Act of State, called the *Act of Oblition*, published by *Proclamation* vnder the great Seale, Al offences against the Crown, and all perticuler Trespases between subiect and subiect, done at any time before his Maiesties raigne, were (to all such as would come in to the Iustices of Assise by a certaine day, and claime the benefit of this Act) pardoned, remitted, and vtterly extinguished, neuer to be reuiued or called in question. And by the same proclamation, all the Irishry (who for the most

part, in former times, were left vnder the tyranny of their Lords and Chieftanies, and had no defence or Iustice from the Crowne) were receiued into his Maiesties *mediate protection*. This bred such comfort and security in the hearts of all men, as thereupon ensued, the calmest, and most vniuersall peace, that euer was seen in *Ireland*.

2.
By establishing the publique Iustice in euery part of the Kingdome.

BA The publicke peace beeing thus established, the State proceeded next to establish the publick Iustice in euery part of the Realm. And to that end, Sir George Cary (who was a prudent Gouvernor, and a iust, and made a fair entry into the right way of reforming this Kingdome) did in the first yeare of his Maiesties raigne, make the first Sheriffes that euer were made in *Tyrone* and *Tirconnell*; and shortly after, sent Sir Edmund Pelham Chiefe Baron, & my selfe thither, the first Iustices of Assise that euer sat in those Countreies :
and

and in that Circuit, wee visited all the shires of that Prouince: Besides which visitation, though it were some-what distastfull to the Irish lords, was sweet and most welcome to the Common people; who, albeit they were rude & barbarous, yet did they quickly apprehend the difference betweene the tyranny and oppression vnder which they liued before, & the iust government and protection which wee promised vnto the for the time to come.

The Lawe hauing made her Progressse into *Vlster* with so good successe, *sir Arthur Chichester* (who with singular Industry, Wisedome, and Courage, hath now for the space of 7. years and more, prosecuted the great worke of Reformation, and brought it well-neere to an absolute perfection) did in the first year of his gouernment, establish two other *Newe Circuits* for Iustices of Assise; the one in *Conaght*, and the other in *Mounster*. I

call them *New Circuites*, for that, although it bee manifest by manie Records, that *Iustices Itinerant* haue in former times beene sent into all the shires of *Mounster*, & some part of *Connaght*; yet certaine it is, that in 100. yeares before (I speake much within compasse) no such Commission had bin executed in either of these 2. Provinces. But now, the whole Realme being diuided into *Shires*, and euerie bordering Territory, whereof anie doubt was made in what County the same should ly, being added or reduced to a County certaine (among the rest, the *Mountaines* and *Glynnes* on the South side of *Dublin*, wer lately made a Shire by it self, and called the County of *wicklow*; wherby the Inhabitants which were wont to be *Thorns* in the side of the *Pale*, are become ciuill and quiet Neighbors thereof,) the streams of the publicke Iustice were deriued into every part of the Kingdome; and the

the benefit and protection of the law of England communicated to all, as well Irish as English, without distinction or respect of persons; By reason whereof, the worke of deriuing the publick Iustice, grew so great, as that there was *Magna messis, sed Operarij pauci*. And therefore, the number of the Iudges in euery Bench was increased, which do now euery halfe yeare (like good *Plannets* in their seuerall *spheares* or *Circles*) carry the light and influence of Iustice, round about the *Kingdom*; whereas the Circuits in former times, went but round about the *Pale*, like the Circuit of the *Cinofura* about the *Pole*.

Que cursu niteriore, breui conuertitur orbe.

Vpon these Visitations of Iustice, whereby the iust and honourable Law of England was imparted and communicated to al the Irishry, there followed these excellent good effects.

First,

The good effects which followed the execution of the law thoroughout the Kingdome.

First, the Common people were taught by the Iustices of Assise, that they were free subiects to the Kings of England, and not slaues & vassals to their pretended Lords: That the *Cuttings*, *Cosheries*, *Sessings*, and other Extortions of their Lords, were vnlawfull, and that they should not any more submit them-selues thereunto, since they were now vnder the protection of so iust and mighty a Prince, as both wold and could protect them from all wrongs & oppressions: They gaue a willing eare vnto these lessons; and thereupon, the greatnesse & power of those Irish Lords ouer the people, sodainly fell and vanished, when their Oppressions and Extortions were taken away which did maintain their greatnesse: Insomuch, as diuers of them, who formerly made them-selues Owners of al (by Force;) were now by the law reduced to this point; That wanting meanes to defray their ordi-

ordinary charges, they resorted ordinarily to the Lord Deputy, and made petition, that by License and warrant of the State, they might take some aid and contribution from their people; as wel to discharge their former debts, as for competent maintenance in time to come: But some of them being impatient of this diminution, fled out of the Realme to forraign Countries. Whereupon, we may well Observe; That, as Extortion did banish the old English Free-bolder, who could not live but vnder the Law; So the Law did banish the Irish Lord, who could not live but by Extortion.

Againe, these Circuits of Iustice, did (vpon the end of the warre) more terrifie the loose and ydle personnes, then the execution of the martial law, though it were more quicke and so-daine: and in a short time after, did so cleare the Kingdome of Theeves, & other Capitall Offenders, as I dare af-

M m firme,

firme, that for the space of five yeares last past, there haue not bin found so many Malefactors worthy of death in al the six Circuits of this realm (which is now diuided into 32. shires at large) as in one Circuit of six Shires; namely, the Western Circuit in England. For the troth is, that in time of peace, the Irish are more fearefull to offend the Law, then the English, or any other Nation whatsoeuer.

Againe, whereas the greatest advantage that the Irish had of vs in all their Rebellions, was, *Our Ignorance of their Countries, their Persons, and their Actions*: Since the Law and her Ministers haue had a passage among them, all their places of Fastnesse haue been discouered and laide open; all their paces cleard; & notice taken of euery person that is able to do either good or hurt. It is knowne, not only how they liue, and what they doe, but it is foreseen what they purpose or intend
to

to do : Infomuch, as *Tirone* hath been heard to complaine, that he hadde so many eyes watching ouer him, as he coule not drinke a full Carouse of Sacke, but the State was aduertised thereof, within few houres after. And therefore, those allowances which I finde in the ancient Pipe-Rolles, *Pro guidagio*, or *spagi*, may be well spared at this day. For the Vnder-Sheriffes and Bayliffes errant, are better guides and Spies in the time of peace, then any were found in the time of war.

Moreouer, these ciuil assemblies at Assises and Sessions, haue reclaymed the Irish from their wildenesse, caused them to cut off their Glibs and long Haire, to conuert their Mantles into Cloaks; to conform themselues to the maner of *England* in al their behauour and outward formes. And because they find a great inconuenience in mouing their suites by an Interpreter, they do for the most part

send their Children to Schools, especially to learne the English language: so as we may conceiue an hope, that the next generation, will in tongue & heart, and euery way else, becom English; so as there will bee no difference or distinction, but the Irish Sea betwixt vs. And thus we see a good conuersion, & the Irish Game turned againe.

For heeretofore, the neglect of the Lawe, made the English degenerate, and become Irish; and now, on the other side, the execution of the Law, doth make the Irish grow ciuil, and become English.

Lastly, these generall Sessions now, do teach the people more obedience, and keep them more in awe then did the general hostings in former times. These Progresses of the Law, renew and confirme the Conquest of Ireland euery halfe yeare, and supply the Defect of the kings absence in euery part of the Realme; In that euery Iudge fitting

ting in the seat of Iustice, dooth represent the person of the King himselfe.

These effectes, hath the establishment of the publicke Peace and Iustice produced, since his Maiesties happie Raigne began.

Howbeit, it was impossible to make a Common-weale in Ireland, without performing another service; which was, the setting of all the Estates and possessions, aswell of Irish, as English, thoroughout the Kingdome.

For, although that in the 11. year of Queen ELIZABETH, a special Law was made, which did enable the Lord Deputy to take surrenders, & regrant Estates vnto the Irishry (vpon signification of her Maiesties pleasure in that behalfe;) yet were there but few of the Irish Lords that made offer to surrender during her raigne: & they which made surrenders of entire

3. The setting of the States and possessions of the Irishry, aswell as of the English.

Countries, obtained Graunts of the whole againe to themselves only, & to no other, and all in demesne. In passing of which Graunts, there was no care taken of the inferiour Septes of people, inhabiting and possessing these Countries vnder them, but they held their seuerall portions in course of Tanistry and Gavelkind, and yielded the same Irish Duties or exactions, as they did before: So that vpon euery such Surrender & Grant, there was but one Free-holder made in a whole Country, which was the Lord himselfe; al the rest were but tenants at Wil, or rather tenants in villenage, and were neither fit to be sworne in Iuries, nor to performe any publicke seruice: And by reason of the vncertainty of their Estates, did vtterly neglect to build, or to plant, or to improve the Land. And therefore, although the Lords were become the Kings Tenant, his Countrey was no whit

whit reformed thereby, but remained
in the former Barbarisme and Desola-
tion.

Againe, in the same Queens time,
there were many Irish Lordes which
did not surrender, yet obtained Let-
ters Patents of the Capitaine-ships of
their Countries, & of all Lands & Du-
ties belonging to those Captainships:
For the Statute which doth condemn
& abolish these Captain-ries, vsurped
by the Irish, doth giue power to the
Lorde Deputy to grant the same by
Letters patents. Howbeit, these Irish
Captaines, and likewise the English,
which were made Seneschalles of the
Irish countries, did by colour of these
Grants, and vnder pretence of Go-
uernment, claime an Irish Seigniorie,
and exercise plaine tyranny ouer the
Common people. And this was the
fruite that did arise of the Letters Pa-
rents, granted of the Irish Contries in
the time of Q. Elizabeth, where before
they

they did extort & oppresse the people, only by colour of a leud and barbarous Custom; they did afterwards use the same Extortions and Oppressions by warrant, vnder the great seal of the Realme.

How the Commissions for Surrenders, and defectiue Titles, haue bin put in execution.

But now, since his Maiesty came to the Crown, two speciall Commissions haue bin sent out of England, for the settling and quieting of all the possessions in Ireland; The one, for accepting Surrenders of the Irish and degenerate English, and for regranting Estates vnto them, according to the course of the Common Law; The other, for strengthening of defectiue Titles. In the Execution of which Commissions, there hath euer bin had a speciall care, to settle and secure the Vnder-Tenants; to the end, there might be a repose and establishment of euery Subjects Estate; Lord & Tenant, Free-holder and Farmer, thoroughout the Kingdome.

Vpon

Vppon Surrenders, this course hath bin helde from the beginning; when an Irish Lord doth offer to surrender his Country, his surrender is not immediatly accepted, but a Commission is first awarded, to enquire of three special points. First, of the quantity and limits of the Land whereof he is reputed owner. Next, how much himselfe doth hold in demesne, and how much is posselt by his Tennants and Followers. And thirdly, what Customs, Duties, and seruices, he doth yearly receiue out of those lands. This Inquisition being made & returned, the Lands which are found to bee the Lords proper possessions in demesne, are drawne into a *Particular*; and his Irish Duties; as *Cosberings, Sessings, Rents of Butter and Oatmeale*, and the like; are reasonably valued and reduced into certaine *Summes of Money*, to be paide yearely in lieu thereof. This being done, the surrender is accepted; and

N n. there-

thereupon a Grant passed, not of the whole Country, as was vsed in former times, but of those Lands only, which are found in the Lords possession, & of those certaine summes of Money, as Rents issuing out of the rest. But the Lands which are found to be posselt by the Tenants, are left vnto them, respectiue charged with these certain Rents only, in lieu of all vncertaine Irish exactions.

In like manner, vpon all Grants, which haue past by vertue of the commission, for defectiue Titles, the Commissioners haue taken speciall Caution, for preservation of the Estates of all particular Tenants.

No Grant of
Irish Captain
ships, or Se-
neschalships,
since his Ma-
iesties raigne.

And as for Graunts of *Captainships* or *Senechalships*, in the Irish Countries; albeit, this Deputy had as much power and authority to graunt the same, as any other Gouvernors had before him; and might haue raised as much profit by bestowing the same, if he

he had respected his priuate, more then the publicke good ; yet hath he bin so farre from passing any such in all his time, as he hath endeoured to resume all the Graunts of that kinde, that haue bin made by his Predecessors; to the end, the inferiour subiects of the Realme, should make their only and imediate dependencie vppon the Crowne. And thus we see, how the greatest part of the possessions, (aswell of the Irish as of the English) in *Leinster*, *Conaght*, and *Mounster*, are settled and secured since his Maiestie came to the Crowne : whereby the harts of the people are also settled, not only to liue in peace, but raised & encouraged to builde, to plant, to giue better education to their children, & to improue the commodities of their Landes ; whereby the yearely value thereof, is already encreased, double of that it was within these few yeares, and is like daily to rise higher, till it

N n 2 amount

amount to the price of our Lande in England.

The plantati-
on of *Ulster*.

LAstly, the possessions of the Irishry in the Prouince of *Ulster*, though it were the most rude and vnreformed part of Ireland, and the *Seat* and *Nest* of the last great Rebellion, are now better disposed and established, then any the Lands in the other *Prouinces*, which haue bin past and setled vpon Surrenders. For, as the occasion of the disposing of those Lands, did not happen without the speciall prouidence and finger of God, which did cast out those wicked and vngratefull Traitors, who were the only enemies of the reformation of *Ireland*: so the distribution and plantation thereof, hath bin proiected & prosecuted, by the speciall direction and care of the K. himselfe; wherein his Maiesty hath corrected the Errors before spoken of, committed by K. *Henry 2.* & K. *Iohn*,
in

in distributing and planting the first conquered Landes . For, although there were six whole Shires to be disposed, his Maiesty gaue not an entire Country, or County, to any particular person; much lesse did he grant *Iura Regalia*, or any extraordinary Liberties. For the best *British Undertaker*, had but a proportion of 3000. Acres for himself, with power to create a Manor, and hold a Court Baron: Albeit, many of these *Undertakers*, were of as great birth & quality, as the best Adventurers in the first conquest. Again, his Maiesty did not vtterly exclude the Natiues out of this plantatiō, with a purpose to roote them out, as the Irish wer excluded out of the first *English Colonies*; but made a mixt plantation of *British & Irish*, that they might grow vp together in one Nation: Only, the Irish were in some places transplanted from the Woods & Mountaines, into the Plaines & open

Countries, that being remoued (like wild fruit trees) they might grow the milder, and beare the better & sweeter fruit. And this truly, is the Maister-piece, and most excellent part of the worke of Reformation, and is worthy indeed of his Maiesties royall paines. For when this Plantation hath taken root, and bin fixt and settled but a few yeares, with the fauour and blessing of God (for the son of God himselfe hath said in the Gospell, *Omnis Plantatio, quam non plantauit pater meus, eradicabitur*) it will secure the peace of Irelād, assure it to the Crowne of England for euer, and finally, make it a Ciuill, and a Rich, a Mighty, and a Flourishing Kingdome.

I omit to speake of the increase of the Reuenew of the Crown, both certaine and casuall, which is raised to a double proportion (at least) about that it was, by deriuing the publick Iustice into all parts of the Realm; by setting
all

all the possessions, both of the Irish & English, by re-establishing the compositions; by restoring and resuming the Customes; by reuiuing the Tenures in *Capite*, and *Knights-Service*; & reducing many other thinges into charge, which by the confusion and negligence of former times, became concealed and subtracted from the Crowne. I forbear likewise to speak of the due and ready bringing in of the Reuenue, which is broght to passe by the well-ordering of the Court of *Exchequer*, and the Authority & paines of the Commissioners for Accompts.

I might also adde heereunto, the encouragement that hath bin giuen to the Maritime Townes and Citties, as well to increase their trade of Marchandize, as to cherrish Mechanicall Arts and Sciences; in that all their Charters haue bin renewed, & their Liberties more enlarged by his Maiesty, then by any of his Progenitors since
the

the Conquest. As likewise, the care & course that hath been taken, to make Ciuil Commerce and entercourse betweene the Subiects, newly reformed and brought vnder Obedience, by granting Markets and Faires to bee holden in their Countries, and by erecting of corporate Townes among them.

Briefly, the clock of the ciuil Government, is now well set, and all the wheelles thereof doe moue in Order; The strings of this Irish Harpe, which the Ciuill Magistrate doth finger, are all in tune (for I omit to speak of the State Ecclesiasticall) and make a good Harmony in this Commonweale: So as we may well conceiue a hope, that *Ireland* (which heertofore might properly be called the *Land of Ire*, because the *Irasible* power was predominant there, for the space of 400. yeares together) will from henceforth prooue a Land of *Peace* and *Concorde*. And, though

though heeretofore it hath bin like
 the leane Cow of Egypt, in *Pharaobs*
Dreame, deuouring the fat of *England*,
 and yet remaining as leane as it was
 before, it will hecreefter bee as fruit-
 full as the land of *Canaan*; the descrip-
 tion whereof, in the 8. of *Deutronomie*,
 doth in euery part agree with *Ireland*;
 being, *Terra Riuiorum, aquarumq; & Ion-*
tium; in cuius *Campis, & Montibus, erum-*
punt fluviorum abyssi; *Terra frumenti, &*
hordei; *Terra lactis, & mellis*; vbi absque
 vlla penuria comedes panem tuum, & rerum
 abundantia perfrueris.

And thus I haue discouered and
 expressed the Defects and Errors, as
 well in the manning of the *Martiall Af-*
fares, as Of the *Ciui*, which in former
 Ages gaue impediment to the redu-
 cing of all *Ireland*, to the *Obedience &*
Subtction of the Crowne of *England*.
 I haue likewise obserued, what cour-
 ses haue bin taken, to Reforme the De-
 fects and Errors in *Gouernment*, and to re-

duce the People of this Land to Obedience, since the beginning of the raigne of King Edward 3. til the latter end of the raigne of Q. Elizabeth.

And lastly, I haue declared & set forth, How all the said Errors haue bin corrected, and the Defectes supplied vnder the prosperous Gouvernement of his Maiesty; So as I may positiuely conclude in the same words, which I haue vsed in the Title of this Discourse; That vntill the beginning of his Maiesties Raigne, Ireland was neuer entirely subdued, and brought vnder the Obedience of the Crown of England. But since the crown of this kingdom, with the vndoubted right and Title thereof, discended vpon his Maiesty, The whol Island from Sea to Sea, hath bin brought into his Highnes peaceable possession; and all the Inhabitants, in euery corner thereof, haue bin absolutely reduced vnder his immediate subiection. In which condition of subiects, they wil gladly continue,

nue, without defection or adhæring
 to any other *Lord or King*, as long as
 they may be *Protected*, and *Iustly Gouver-*
ned, without *Oppression* on the one side,
 or *Impunity* on the other. For, there is
 no Nation of people vnder the sunne,
 that doth loue equall and indifferent
 Iustice, better then the Irish; or will
 rest better satisfied with the executi-
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FINIS.

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